

A FRAGILE EGYPT IN A CHANGING WORLD:

SIX YEARS AFTER THE REVOLUTION



The Tahrir Institute
for Middle East Policy

The Tahrir Institute for Middle East Policy (TIMEP), a nonpartisan and nonprofit organization, is dedicated to understanding and supporting Middle Eastern countries undergoing democratic transitions and committed to informing international policymakers and the public of developments in these countries.

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Introduction	5
The Public Sphere, Media, and Political Engagement	8
Electoral Politics	13
Legislation and Rule of Law	18
Rights and Freedoms	22
Sectarianism	28
Gender and Sexuality	33
Security	36
Economy	41



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INTRODUCTION

In the first several months of 2017, Egypt has witnessed a number of events that have challenged the country's stability and security, economic development, and the rights and freedoms of its citizens. The Egyptian government has continued its repression of public space, even going so far as to physically close the offices of the El Nadeem Center for Rehabilitation of Victims of Violence and Torture in early February. The country is no more stable, with terror groups and the Egyptian state engaged in a war of propaganda narratives. The Islamic State's affiliate in mainland Egypt has targeted churches on Palm Sunday and announced its "emir" in Islamic State media. The Islamic State's Wilayat Sinai also is increasingly targeting the Christian population as it continues to claim control over urban areas in North Sinai even as Egypt's army and tribal militias commit violence against unarmed residents of Sinai. A year ahead of scheduled elections, human rights lawyer and rumored presidential candidate Khaled Ali has been detained by security forces and smeared in pro-regime media as fomenting dissent.

Spontaneous protests continue to erupt in Cairo and other cities, as in early March in response to the government's poor messaging of changes to its subsidy program. Economic recovery is still far off. Egypt's parliament continues to pass repressive legislation, such as the Judicial Authorities Law, which serves to concentrate power in the hands of the executive, and transitional justice seems far off.

The issues Egypt faces are not, as some observers claim, outcomes of its uprising in 2011, but rather symptoms of the longstanding problems and challenges that caused it and have remained unaddressed. Indeed, many of these concerns have already shown their persistence into 2017. The patterns of the first five post-revolutionary years—as documented in our report "Unmet Demands, Tenuous Stability"—continued through the sixth year after the revolution and into the seventh.

The Tahrir Institute for Middle East Policy's (TIMEP) report on Egypt in the six years after the revolution, "A Fragile Egypt in a Changing World," addresses misconceptions to assert that Egypt's security and stability are not mutually exclusive to the support for human rights and freedoms demanded in January 2011. The report examines all aspects of governance in Egypt: political engagement, rule of law, rights and freedoms, minority rights, gender equality, security, and economic stability to explain how it arrived at its current state and provides recommendations for how to move toward fulfillment of the revolution's aspirations in the current political context. The recommendations, of course, are not a panacea; rather, they are a starting point, the bare minimum that must be done to address the issues Egyptians continue to face.

Over the course of 2016, Egypt saw continued deterioration in its respect for human rights and freedoms:

- The reopening of Case 173, the 2012-13 series of investigations into the foreign funding of nongovernmental organizations, resulted in travel bans, asset freezes, arrests, and closures of organizations.
- The forced disappearances of activists continued and accelerated with relative impunity, as hundreds of cases were reported throughout 2016, and incidents of police violence and torture led to public outcry.
- Protesters continued to be detained (notably for opposing the transfer of the Tiran and Sanafir islands to Saudi Arabia), and journalists and writers were harassed and imprisoned for their writing and expression.
- Stricter legislation and regulation led to an increased scope of military trials for civilians, and pretrial detention beyond legal limits continued to raise questions about Egypt's commitment to due process.

INTRODUCTION

At the same time, the security situation continued to worsen, especially for religious minorities:

- 795 terrorist incidents were reported in Egypt in 2016, with about 84 percent of those occurring in North Sinai. Wilayat Sinai, the Islamic State's "Sinai Province," claimed 62 percent of attacks in North Sinai; all other attacks there were unclaimed.
- Terrorism in Egypt became more sectarian, with St. Peter's and St. Paul's Church in Cairo's Coptic cathedral complex bombed and several Muslim clerics killed in Sinai.
- The terror groups Hassm and Liwaa al-Thawra emerged as new threats, attempting three assassinations of prominent state figures. The Islamic State in Egypt (which is distinct from Wilayat Sinai) claimed 11 attacks in mainland Egypt, including the bombing at the St. Mark's Cathedral complex.

Despite the seating of a new House of Representatives in January 2016, political and legal institutions did not consistently act in the best interest of Egyptians or meet their legal obligations:

- Promises of increased transparency in the House of Representatives have largely gone unfulfilled, with voting conducted by raised hands, journalists barred from the halls of parliament, and video feeds of proceedings cut off.
- The House of Representatives passed a repressive law governing nongovernmental organizations, though it remains to be signed into force by the president.
- As mandated by the Constitution, the parliament passed a Church Construction Law that had been negotiated between the Cabinet and Christian leadership in its first session. The body failed to pass a law on transitional justice, which the Constitution also required the House to do in its first session; no such bill reached the floor in 2016.
- While the parliament welcomed its highest representation of women yet as the result of an ambitious quota, women did not hold positions of leadership; representatives from the security apparatus, however, held key roles in important committees.

And the economy continued to worsen:

- The Central Bank of Egypt's decision to fix the Egyptian pound's exchange rate led to shortages of foreign currency and imported goods throughout most of 2016, until the full floatation of the pound in November.
- Prices increased throughout the year, with inflation reaching 24 percent in December 2016, due at least in part to the floatation of the pound.
- At the end of 2016, overall unemployment stood at 12.8 percent, women's unemployment around 25 percent, and youth unemployment around 37 percent.
- Government debt stands around 90 percent of GDP. The government has secured a \$3 billion loan from the World Bank and a \$12 billion loan from the International Monetary Fund.
- Tourism receipts continue to shrink, largely due to security concerns; in the first half of 2016, Egypt welcomed half as many tourists as the country had in the same period in 2015.

This report is based on the findings of long-term research projects conducted at the Tahrir Institute for Middle East Policy. Our research strategy follows a systematic process of data gathering, documentation, and analysis, upon which we formulate our advocacy positions. We begin our research with thorough documentation, as volatile situations and changing governments and rulers in Egypt have caused many political factions to attempt to cast recent history in their own terms. Per TIMEP's mission, we are committed to highlighting local voices and understanding internal dynamics and nuance; thus, all our work is conducted in close collaboration with local analysts, researchers, journalists, and civil society actors.

¹ See Magda Adly, "Blocking the Defenders," TIMEP, February 11, 2017, <https://timep.org/commentary/blocking-the-defendersegypt-closure-of-el-nadeem/>; and Hussein Baoumi, "Bricks in the Wall: El Nadeem, the NGO Law, and Egypt's Crackdown," TIMEP, February 10, 2017, <https://timep.org/commentary/bricks-in-the-wall-el-nadeem-the-ngo-law-and-egypts-crackdown/>.

² See Nancy Okail and Jake Greene, "The Dueling Narratives of the Islamic State and the Egyptian State," TIMEP, April 19, 2017, <https://timep.org/commentary/the-dueling-narratives-of-the-islamic-state-and-the-egyptian-state/>.

³ See Eshhad and the Tahrir Institute for Middle East Policy, "Special Briefing: Palm Sunday Bombings," April 21, 2017, <https://eshhad.timep.org/reports/special-briefings/special-briefing-palm-sunday-bombings/>; and Tahrir Institute for Middle East Policy, "TerrorGroup Profile: Islamic State in Egypt," <https://timep.org/esw/profiles/terror-groups/islamic-state-in-egypt/>.

⁴ See Taha Saker, "Sinai Residents Stuck Between the State and an Insurgency," TIMEP, February 17, 2017, <https://timep.org/commentary/sinai-residents-stuck-between-the-state-and-an-insurgency/>; Tahrir Institute for Middle East Policy, "Special Briefing: Leaked Video of Extrajudicial Killings Connected to Military," April 21, 2017, <https://timep.org/commentary/special-briefing-leaked-video-of-egyptian-military-servicemen-extrajudicial-killings-of-civilians/>; Eshhad and Tahrir Institute for Middle East Policy, "Special Briefing: Killings in Arish: Rising Sectarianism in Sinai," March 1, 2017, <https://eshhad.timep.org/reports/special-briefings/special-briefing-killings-arish-rising-sectarianism-sinai/>, and A Correspondent in Sinai, "Christians Flee Violence in North Sinai," Eshhad, March 7, 2017, <https://eshhad.timep.org/analysis/christians-flee-violence-north-sinai/>.

⁵ See "Expert Q&A on Egypt's Bread Protests," TIMEP, March 9, 2017, <https://timep.org/uncategorized/expert-qa-on-egypts-bread-protests/>.

⁶ See Brad Youngblood, "Tipping the Scales: Egypt's New Judicial Authorities Law," TIMEP Blog, April 28, 2017, <https://medium.com/tahrir-institute-for-middle-east-policy/tipping-the-scales-egypts-new-judicial-authorities-law-1c45b21af181>; and Mai El-Sadany, "Mubarak's Acquittal and the State of Transitional Justice in Egypt," TIMEP, March 10, 2017, <https://timep.org/commentary/mubaraks-acquittal-and-the-state-of-transitional-justice-in-egypt/>.

THE PUBLIC SPHERE, MEDIA, AND POLITICAL ENGAGEMENT



Developments

Throughout 2016, the state continued to roll back freedoms and space for political organizing. Despite growing hardship with high levels of inflation, organized protest was quite limited. Isolated protests in response to specific public incidents of police brutality served as an outlet for public anger, but these were quickly defused.

The agreement between the Egyptian and Saudi governments to transfer the islands of Tiran and Sanafir to Saudi Arabia elicited the most intense and widespread opposition of 2016. Sisi appeared to be caught off guard by the scale of the opposition, which came even from many who had been supporters of the president. Protests concentrated at the Syndicate of Journalists drew large numbers for 2016 (though still miniscule in comparison to what was witnessed in 2011). Three journalists chose to conduct an open-ended sit in at the press syndicate in protest of the island deal. Eventually the police raided the syndicate to arrest them, a historically unprecedented intrusion on the union.

This resulted in some of the most forceful condemnations of the government to come from the press since the coup of 2013, including from the state flagship paper *al-Ahram*. The editors of virtually all major papers agreed to publish photos of Interior Minister Magdy Abdel Ghaffar as negatives in protest of this violation. While impressive at the time, the furor died down rather quickly and the negatives disappeared from the press.

The controversy over the island deal was fought in Egypt's courts, and news of hearings and rulings related to the transfer brought protesters to the streets throughout the year. Hundreds of protesters were arrested and millions of Egyptian pounds were paid in bail and fines to the government. Courts have issued conflicting rulings on Tiran and Sanafir, and competing cases are set to continue to be litigated in 2017.

While the repression in 2013 was by far the most violent in Egypt's modern history, the space for criticism in 2016 was strangled all the more intensely. The state targeted any remaining spaces, organizations, and personalities who were critical of the government, no matter how mild or effective their criticism. Several high-profile human rights activists have been arrested, banned from travel and had their assets frozen. Many more have fled the country to avoid succumbing to a similar fate.

Anniversaries of major events since the revolution continued to be contested. 2016 marked the fifth anniversary of the January 25 Revolution, and the state moved proactively to ensure that there would be no anti-government commemorations. Officials increasingly reverted to referring to January 25 as Police Day. In the days prior to the anniversary, Egyptian Homeland Security raided the homes of a number of activists and journalists, and officials and plainclothes agents accosted others on the streets. Hundreds were detained, and dozens more disappeared. What few public demonstrations occurred were overwhelmingly pro-state. Similar activities, though on a smaller scale preempted public observance of other anniversaries. A planned November protest against economic conditions failed to materialize due to a mix of government pressure and full-throated endorsement by the Muslim Brotherhood, which remains unpopular with a large segment of society.

THE PUBLIC SPHERE, MEDIA, AND POLITICAL ENGAGEMENT

Specific violent events continue to be flashpoints for protest. Police brutality has brought demonstrators into the streets in a number of cases, including after a policeman shot a taxi driver dead in Cairo's Darb al-Ahmar district in February and after a similar incident involving a tea vendor in April in Rehab, outside Cairo. Mourners who were turned away from the private funeral for victims of a December bombing of a Coptic church in Cairo decried the state's failure to protect them. None of these protests has turned into a lasting movement, though public pressure has helped lead to the prosecution of police in several cases.

The government has become increasingly intolerant of critics and has gone after relatively pro-state parties and personalities who voice soft criticism like journalist Ibrahim Eissa and Naguib Sawiris' allies in the Free Egyptians Party. Pro-state media personality Ibrahim Eissa offered some dissension in his broadcasts while broadly defending the pillars of the state, but was forced off the air in 2016 as even his superficial brand of criticism was no longer tolerable. Naguib Sawiris, an outspoken billionaire and founder of the Free Egyptians Party (FEP), the largest party in parliament, found himself and his closest supporters ousted from his own party in what his backers have characterized as a coup against them. While Sawiris did at times criticize the government, particularly over economic mismanagement, he supported removing Morsi, and his party has not vocally opposed the pro-government independents who dominate the legislature. The few members of the FEP who have been outspoken have been excluded from party caucuses.

The past year has also witnessed the state expanding its intervention in private news outlets. Steel magnate Ahmed Abu Hashima, widely believed to have government ties, purchased Sawiris' channel ONTV in May of 2016. A new set of television channels, DMC, have recently been launched. While officially a private outlet, the well-funded media organization is also believed to have military funds supporting it. These entries by the government into private-sector media represent a renewed effort to influence the news that reaches Egyptians.

Background

In the decade prior to 2011, Egypt saw a variety of limited openings in its political environment that resulted in increased public discussion of the government and its performance. Independent newspapers and satellite television news programs emerged, some of which—like *al-Dostour*, *Al-Masry Al-Youm*, and Al Jazeera—were quite critical of the government. The relative opening of media space, coupled with external pressures on official media that came with the introduction of satellite news, helped create a more diverse media environment, exposing the population to more critical political narratives.

At the same time, public political activism increased, though in nothing like the numbers of January 2011. Activists organized a number of protests against the U.S. invasion of Iraq, and that group of actors served the antecedent for the Kefaya ("Enough!") movement that called on then-President Hosni Mubarak not to pursue an additional term in office in 2005 and aimed to prevent his son Gamal from succeeding him. Activists joined laborers demanding pay raises, most notably in the general strike in Mahalla in April 2008, which birthed the April 6 Youth Movement. A wave of recorded incidents of police violence culminated in 2010 when Alexandria police in publicly beat to death a young man named Khaled Said, and Christians protested police inaction over a fatal New Year's Day bombing of the Two Saints Church in Alexandria. The Facebook page "We are all Khaled Said," along with numerous other groups of activists, called for protests on January 25, 2011, Egypt's annual Police Day, which led eventually to Mubarak's overthrow.

THE PUBLIC SPHERE, MEDIA, AND POLITICAL ENGAGEMENT

Immediately following the popular revolt, political space in Egypt was hotly contested among liberal activists, Islamists, and the military. Protests by political parties and sects of all stripes were commonplace. The military faced its most visceral and direct criticism in modern history as the Supreme Council of the Armed Forces, the body that ran the country following Mubarak's fall, was criticized in the press and social media. While far from perfect, turnout was high in parliamentary and presidential elections in 2011 and 2012; the races were genuinely competitive, and voters were generally enthusiastic about the process. The Muslim Brotherhood's Freedom and Justice Party won a plurality of seats in parliament and their candidate, Muhammad Morsi, won the presidency.

From Mubarak's resignation in February 2011, through the elections period, and until Morsi's removal from office in the summer of 2013, the media in Egypt was highly diverse. Supporters of the Brotherhood did deploy legal tactics against their opponents: Bassem Youssef, a comedian, faced criminal charges for "insulting the presidency," but never spent time in prison and was never convicted. In late November and early December 2012, demonstrators protested against the new constitution (largely drafted by Islamist politicians) due to its perceived attempts to Islamize the state. Despite violence among protesters, counter-protesters, and security forces in several cities, the constitution was easily approved by referendum in December 2012 and came into force that month.

In April 2013 a youth-led movement called Tamarod ("Rebellion") was formed, calling for Morsi's resignation and early presidential elections and launching a petition drive with those demands. The organization operated freely and openly (reportedly with the support of the security apparatus and prominent businessmen) in spite of its calls for Morsi's resignation, and claimed to have collected 22 million signatures. On June 30, 2013, the first anniversary of Morsi's inauguration, there were mass protests in support of Tamarod's demands. The Muslim Brotherhood and its allies organized smaller but substantial protests supporting Morsi continuing in office. Morsi was forced from office and arrested by the Egyptian military on the orders of the head of the armed forces, Lieutenant General Abdel-Fattah El Sisi. Sisi and the coalition of politicians that supported him closed all Islamist television channels immediately. Clashes between pro-Morsi protesters and security left dozens of protesters dead. The protest sites at Raba'a al-Adaweya and Nahda Squares were brutally cleared on August 14, killing around 1,000 protestors, and nearly all prominent members of the Brotherhood were arrested.

The interim government passed a law that heavily restricted the right to protest and which has been used to justify the arrest and imprisonment of many activists. Attempts by students to protest on university campuses resulted in frequent, bloody clashes throughout the 2013-14 school year. The forcefulness of the crackdown on dissent has intimidated many and dampened the appetite of activists to continue to take to the streets, and public opinion generally supported the government's actions.¹ While labor unrest regularly erupts, these strikes and demonstrations are frequently limited in scope or occur far from the capital, limiting media exposure.

The media that survived the clampdown has been largely pro-government since the coup, with a few exceptions. The press has at times criticized police brutality and highlighted detainees who die from torture while in custody. The authorities have regularly harassed journalists, with a number of them imprisoned. Dozens have been assaulted.² The new anti-terrorism law sets penalties for journalists who publish reports on terrorist attacks that contradict official accounts.³

Analysis

From its peak in the immediate aftermath of the 2011 uprising, political freedoms in Egypt have receded substantially, particularly following the coup in 2013. Since the coup, the government has pursued an unforgiving campaign to silence opponents. In 2013, the state used unprecedented violence against protesters, killing thousands and imprisoning tens of thousands. While the pace of protest and scale of state violence has declined since 2013, the space for opposition to the government continues to shrink. The reason for the numerical decline in arrests and state killings of protesters is simply that there are fewer active political opponents left to jail or kill than in the past.

Beyond its expanding crackdown on its few remaining real political opponents, the state has begun to devour its own supporters, as evidenced by the moves against Ibrahim Eissa and Naguib Sawiris. Even the superficial trappings of basic political freedoms that would give some cover to Egypt's authoritarian state are seen as unacceptable by those in power. Political parties have too eagerly sought influence at the cost of principle: The decision in 2015 by the FEP's leadership to recruit well-connected candidates—ranging from former members of Mubarak's ruling party to retired generals—with no allegiance to the party's official liberal ideology set the stage for the ousting of its founders.

None of the above, however, has been the primary focus of the average Egyptian. The most pressing issue for most Egyptians has been surging levels of inflation. Foodstuffs, medicine, and basic goods have all become more expensive and less available in the past year, sparking public anger. One might expect the economic stress most Egyptians are currently experiencing to present a risk for a third uprising in six years. However, from the perspective of many Egyptians, they have overthrown two governments, and their quality of life has declined significantly following both uprisings. It is difficult for many to believe a third uprising would deliver economic relief, and, given the circumstances, they may be right.

The more overtly political issue that captured popular attention has been the controversy over the agreement to transfer control over the islands Tiran and Sanfir from Egypt to Saudi Arabia. In an Egyptian society raised on military nationalism and taught from a young age that Egypt's land is sacred and worth dying for, the government's argument on the merits of the transfer fell on deaf ears. Even among Sisi's supporters and in the press there were cracks of dissent. After the press syndicate was raided, Egypt's journalists appeared briefly united in opposing the ministry of interior. Though solidarity among the press fizzled out shortly, the legal challenges to the treaty continued and resulted in multiple court rulings against the constitutionality of the agreement, an embarrassment for Sisi.

While Sisi was embarrassed on the eve of the 2011 uprising's anniversary, his critics have been left devastated, imprisoned, exiled, and largely silenced. The population more broadly is exhausted and suffering economically. In the end, Sisi's regime has likely been emboldened by the election of Donald Trump, who will move away from even rhetorical criticism of repression in Egypt. Europe, while upset by Italian researcher Giulio Regeni being tortured to death, seems unprepared or unable to take any material action in response. Sisi is embarrassed but firmly in power, while Egyptians have little to look forward to in 2017.

THE PUBLIC SPHERE, MEDIA, AND POLITICAL ENGAGEMENT

Recommendations

- 1 – The Egyptian judicial system must ensure due process for detainees as outlined in the 2014 Egyptian constitution and in line with international legal standards, ensuring citizens are neither arrested without charge nor held for a period exceeding the pretrial detention limit.
- 2 – The Egyptian judiciary must guarantee free and fair trials to defendants, with convictions rooted in credible and overwhelming evidence.
- 3 – The Egyptian government must train police to respect human rights and to adhere to best practices for protest dispersal to reduce violence and casualties; an independent body that oversees the police and investigates violations of best practice or human rights must also be established to renew public confidence in the police.
- 4 – Egyptian courts must repeal the Protest Law to allow for peaceful demonstration as a means to express grievances.
- 5 – The Egyptian government must amend the Counter-terrorism Law to remove sections that prohibit independent reporting which diverges from or challenges the state's official characterization of events.
- 6 – Egyptian authorities must end harassment, intimidation, and imprisonment of journalists and respect freedom of the press and freedom of speech for Egyptian citizens as guaranteed by the 2014 Egyptian constitution.

¹ Adel Iskandar, "A Year in the Life of Egypt's Media," *Jadaliyya*, January 26, 2012 http://www.jadaliyya.com/pages/index/3642/a-year-in-the-life-of-egypts-media_a-2011-timeline.

² Timothy Kaldas, "Dwindling Support for Egypt's Political Prisoners," *TIMEP*, December 19, 2014 <http://timep.org/commentary/dwindling-support-egypts-political-prisoners/>.

³ Mai El-Sadany, "Yet Another Terrorism Law," *TIMEP*, July 6, 2015 <http://timep.org/commentary/yet-another-terrorism-law/>.

Image, page 8: Maged Helal, "Tahrir Square Country," Flickr, 2011, <https://www.flickr.com/photos/magidino20/5472577630/>.

ELECTORAL POLITICS



Developments

After the long-awaited elections at the end of 2015, the 596 new representatives held their first session on January 10, 2016. The electoral alliance that had dominated the closed list elections, “For the Love of Egypt,” reconstituted itself as a parliamentary bloc, the “Coalition in Support of Egypt,” and secured both the position of Speaker of the House of Representatives for Ali Abdul ‘Al and one of the deputy positions for al-Sayyid al-Sharif.

In its first act, the House of Representatives reviewed all of the presidential decrees issued since the 2013 dissolution of the previous legislature. Of those laws, 341 were passed within the allotted 15 days, often in groups with little to no discussion. Only one law, the Civil Service Law, was rejected for later amendment. With the past legislation accounted for, the body rewrote and ratified a new set of bylaws for the parliament, voting on 437 articles of the bylaws over 50 cumulative hours of session. The bylaws set out the means of suggesting and reviewing legislation and separated these duties among members through a tiered system of committees and internal oversight bodies.

The body was then set to begin exercising its constitutional privileges to accept or withdraw confidence in the appointed cabinet ministers. Each minister was asked to give a complete report on their plans to improve the country over the next year as a condition for receiving this approval. After some debate, the representatives extended confidence to the entire cabinet, though the minister of supply was later pushed to resign by the threat of a parliamentary investigation in late August.

With the House of Representatives thus constituted and the government legitimized, parliament began fully legislating at the beginning of May. Members submitted dozens of bills and amendments for consideration, along with hundreds of urgent statements to the parliament; made regular calls for informational meetings with cabinet ministers; and formed a fact-finding committee to investigate corruption in the annual national wheat harvest. By the time the first session of parliament ended on September 6, 27 laws had been passed out of at least 82 laws presented or introduced. Many of these laws were aimed at improving economic conditions in the country, following efforts to secure a loan from the International Monetary Fund. One law, the Church Construction Law, was constitutionally mandated to be passed in the first session. The second law required by the Constitution, the Transitional Justice Law, had not yet gone to the floor for discussion by the end of 2016.

◆ At the end of 2016, only eight of Egypt’s 27 governors were civilians.

By the beginning of the House of Representatives’ second session on October 4, six members had left the body by one means or another. Siri Siam, an appointed member, resigned on February 22; Tawfik Okasha was stripped of his seat by a committee of his peers on March 2 for meeting with the Israeli ambassador; and Sameh Seif al-Yezal, Mustafa al-Khouli, Sayyid Farag, and Amira Ibrahim all died while in office. By the end of 2016, at least six other parliamentarians had threatened to resign in protest for various offenses, though none had followed through on their threats.

The House of Representatives’ second session, which began on October 4, was still running at the time of writing and thus a comprehensive account of the actions taken is unavailable. Yet it should be noted that the parliament has not shown many appreciable changes in structure or action in the new session.

ELECTORAL POLITICS

Parliament has shifted somewhat toward greater transparency in the second session, allowing meeting agendas and full drafts of laws to reach the media, and has focused on legislation like the suite of media laws, the Civil Service Law that was previously rejected during the first 15 days of the first session, and the Nongovernmental Organizations Law that define the state's relationship to society. Nevertheless, almost all of the issues pointed out by international observers during the body's first session are still present as the legislature moves into 2017.

Though the House of Representatives was the most active elected body in 2016, it was not the only one discussed. With presidential elections two years away, rumors of potential challengers to incumbent President Abdel-Fattah El Sisi began swirling. Former presidential candidate and Mubarak's last prime minister, Ahmed Shafiq, has been rumored to be a viable contender now that his ban from the country has been dropped. Former Vice-President for Foreign Affairs Mohamed ElBaradei's name has also been discreetly floated as a potential rival to Sisi. However, only scientist Essam Heggy's initiative to find a candidate to replace Sisi has been officially announced or done any work in preparation, though they have not put forward any names.

Local administrative councils, which were disbanded in 2011 after the January 25 Revolution as part of former President Hosni Mubarak's National Democratic Party's clientelist network, were also the site of more speculation than action in 2016. The councils are to be reintroduced as decreed by Articles 175-183 of the Constitution, yet the House of Representatives is empowered to make final decisions about the electoral processes and eventual makeup of these councils. Various committees in the parliament have discussed drafts of laws that would set the necessary parameters for the councils, but these drafts had not been presented or discussed on the House floor by the time of publication. Six provincial governors were replaced by Sisi in September; five of the six had previously been senior officers in the military or Egyptian Homeland Security, the domestic intelligence agency. Only eight of Egypt's 27 governors were civilians at the end of 2016.

The cabinet retained an influential, even outsized, role in politics, with government-drafted legislation dominating parliament's agenda. Sisi changed 10 ministerial positions in March 2016, with the most prominent changes occurring in the finance and investment ministries (Amr al-Garhy and Dalia Khorshid, respectively). The so-called sovereign ministries—defense, interior, and foreign affairs—were not changed, and parliament approved the shuffle with little debate.



**MILITARY OFFICERS
IN PARLIAMENT,
out of 596 from
25 Independent**

9 Free Egyptians Party

**6 Protectors of the
Nation Party**

3 Republican People's Party

3 Wafd Party

1 Social Democratic Party

Egyptian international relations centered on security and military issues. Russia remained concerned about tourist safety, after canceling all flights between the countries in 2015 after a Russian passenger plane crashed in Sinai. Flights between Russia and Egypt did not resume in 2016 despite numerous Russian delegations that came to Egypt over the course of the year to inspect airport security; it appears that some Russian demands were met with the installation of biometric airport security equipment and other measures. International concern over Egyptian airlines and security was only exacerbated by the crash of an EgyptAir flight, en route from Paris to Cairo, over the Mediterranean in late May 2016. The investigations into both plane crashes are ongoing.

Egypt participated in numerous joint military exercises in 2016 including the first Russia-Egypt bilateral exercises on Egyptian soil. The exercise began only days after Egypt backed a Russia-sponsored

United Nations Security Council (Egypt joined the UNSC this year as a rotating member) vote on Syria, much to the consternation of Saudi Arabia. Soon after, Saudi Arabia suspended the monthly petroleum agreement with Egypt that had been agreed upon in April 2016, and a high-level Saudi delegation visited the Ethiopian Renaissance Dam, a point of tension between Egypt and Ethiopia.

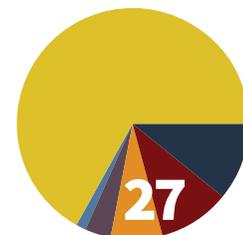
Relations between the United States and Egypt appeared set to strengthen with the election of Donald Trump to the presidency. During the United Nations General Assembly in New York in September, then-candidate Trump met with Sisi, who was later reportedly the first foreign leader to congratulate Trump on his election victory in November. Moreover, Egyptian Foreign Minister Sameh Shoukry met with Vice-President-elect Pence in December 2016. Notably, none of these high level bilateral conversations discussed human rights concerns, but instead focused on the importance of bilateral military cooperation. Throughout 2016, the two countries exchanged visits of diplomatic and military figures.

Background

Prior to the January 25 Revolution in 2011, clientelism was the driving force of Egyptian electoral politics under President Hosni Mubarak. Mubarak, the head of the National Democratic Party (NDP), structured the political sphere in a way that encouraged national elites to compete over state resources. Those profits were then siphoned off from the state to patronage networks that extended from the presidency to elected local councils. The 2011 revolution nominally overturned this system by deposing Mubarak, banning the NDP, and abolishing all elected bodies in the country. The Supreme Council of the Armed Forces (SCAF) stepped in to fill this political void and stem the confusion over the rules of political engagement in Egypt, proposing to govern until a new constitution, president, and parliament could be voted on by the public.

In March 2011, Egyptians overwhelmingly approved the proposed new constitutional amendments and moved to elect a new legislature. The elections and the events preceding them can be characterized as perhaps the most politically pluralistic period in Egyptian history, with hundreds of parties from across the political spectrum campaigning around the country. Nevertheless, Islamists dominated the 2011-12 elections for the People's Assembly and the Shura Council—the two houses of the Egyptian parliament at the time—thanks in part to their preexisting logistical and political structures and their extensive experience with popular mobilization. The Muslim Brotherhood's Freedom and Justice Party (FJP) and their allies won 47 percent of seats in the lower house of parliament and established control over the committee drafting the new constitution, and the Nour Party, a Salafist group, won more than a quarter of the seats. Egypt's judiciary was worried by the Islamist bias of these bodies and disbanded the People's Assembly in June 2012—ostensibly due to the unconstitutionality of the 2011 electoral law—only two days before the FJP's second-choice candidate, Muhammad Morsi, narrowly defeated Mubarak's last prime minister, Ahmed Shafiq, in the 2012 presidential election.

However, growing disillusionment with the authoritarian tendencies of Morsi's rule—including a decree exempting presidential decisions from judicial review—and apprehension over Muslim Brotherhood influence over the state via the FJP's control of the presidency, constitutional drafting committee, and Shura Council led thousands of Egyptians to take to the streets, culminating in mass mobilization on



LAWS PASSED
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9 Economy
8 Administrative
6 Military & Security
3 Social & Political
1 Foreign Affairs

ELECTORAL POLITICS

June 30, 2013 to call for Morsi's ouster. In a swift political shift reminiscent of the January 25 Revolution, Morsi was removed from office, the FJP-dominated Shura Council was dissolved, and the FJP and Brotherhood were later banned, with the Brotherhood being declared a terrorist organization in late 2013.

Once again the military stepped in. Morsi's defense minister, Abdel-Fattah El Sisi, created an interim government that would rule until a new constitution, new parliamentary elections, and new presidential election could be voted on by the people. A new constitution was approved in early 2014, which outlined a unicameral parliament in the House of Representatives, and Sisi was elected president in May of that year with 96 percent of the vote.

Sisi ruled by fiat for a year and half until parliamentary elections were finally held over four stages beginning in October 2015. These elections generated significantly lower levels of support than other post-2011 elections, with at most 28 percent of eligible Egyptians participating. Political involvement also declined as some parties opposed to the regime boycotted the elections; the FJP was banned for being a terrorist group, and its allies either were banned or boycotted. This left any real competition for seats in parliament to a small cohort of similar parties campaigning to build a single, pro-regime voting bloc.¹ These parties fielded lists of candidates that, combined with the number of independent candidates running, led to more businessmen and retired military leaders being elected than were seen in parliaments in the supposedly pro-business and pro-military Mubarak era. Corruption and vote buying were also rampant in the contests, creating parliamentary races that resembled the legislative system under the NDP more so than the early pluralism that characterized the 2011 parliament. The only substantive change was greater legally mandated representation for women, youth, and Christians within national electoral politics.²

Analysis

Though 2016 saw the seating of a new parliament, questions of the body's power and independence remain. The House of Representatives was empowered by the 2014 Constitution to oversee the executive branch of government, and its own bylaws lay out procedures by which the president and the cabinet could be removed via parliamentary action. However, the body demonstrated little interest in exercising this portion of their mandate in 2016. Certainly, multiple members of parliament made public efforts to hold cabinet ministries to account for issues facing the country, but these were generally ineffectual. Many ministers would not come when summoned and the so-called "sovereign" ministries, like the interior and defense ministries, were never asked to account to the general public for their actions. The one aberration to this trend was Khaled Hanafi, the minister of supply who was forced to resign following a special parliamentary investigation into multiple claims of personal and ministerial corruption while in office.

The House of Representatives also held very little debate over laws, many of which were wholly or largely drafted by extra-parliamentary bodies. TIMEP's Egypt Parliament Watch project conservatively estimated that two-thirds of the laws passed in the first session of parliament as government drafts. Only two of the 27 new laws³ passed can be fully attributed to members of the legislature, calling into question the independence and legislative capacity of the body. Ali Abdel 'Al, the speaker, moved away from the more transparent electronic voting means used early on in the first session to the legal but questionable method of determining votes by having representatives stand or raise their hands in agreement.⁴ This method not only creates a system by which precise vote tallies are impossible to collect, but also calls into question the legality of many of the new pieces of legislation due to the difficulty of accurately

counting vote tallies. Abdel 'Al's preference for these Mubarak-era voting procedures may one day put the House of Representatives in the unenviable position of defending its legislative record without evidence of procedure or having to admit that members of parliament voted unanimously on all legislation for a year. All of this leaves the impression that the parliament served primarily as a rubber stamp for government legislation in 2016.

While the House of Representatives may have been a rubber stamp for the executive, it had an equally difficult time divorcing itself from the control of the Egyptian military. Military influence grew across various branches of government, through an increasing number of former officers filling civilian positions. Within the House of Representatives, this phenomenon manifested itself in the 47 members who self-identified as former ranking military or police officers during their campaigns. Egypt has mandatory military conscription for male citizens, which makes distinguishing between military service and ongoing connection to the military establishment difficult. However, security services are known to have played a direct role in forming the For the Love of Egypt electoral list that rebranded as the majority Coalition in Support of Egypt within the parliament. Military and security forces are also understood to be closely connected to the second-largest party in the House, the Nation's Future party, and the all-military leadership of the Protectors of the Nation party, the fourth largest in the House. Laws reportedly drafted by military branches have also been introduced by members of parliament, like Abdel Hadi al-Qasbi and Major General Kemal Omar. The exact extent of these efforts to infiltrate the House and the legislative process is difficult to quantify, though comparatively it appears to be greater than any effort expended under the Mubarak regime.

Recommendations

- 1 – The Egyptian parliament's regular live feed of sessions and electronic voting system need to be restored as means of establishing the legislative's transparency and legitimacy.
- 2 – The Egyptian government should review and amend laws governing local councils to allow for legitimate, popular channels of expression and assembly based on pluralistic elections and in support of a more decentralized system of governance.
- 4 – Parliament must introduce legislation that increases executive and military accountability to the elected representatives of the Egyptian people.
- 5 – The Egyptian government must support civil society efforts to build the capacity of political organizations through activities such as trainings, workshops, and events.
- 6 – Press must be allowed regular access to official vote tallies and to non-classified hearings and committee meetings.

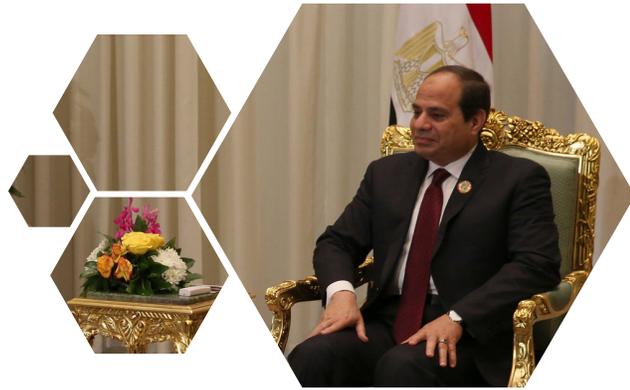
¹ For more information on the 2015 parliamentary elections, see TIMEP's Parliamentary Elections Project at timep.org/pem/.

² For more information on quotas for women in national electoral politics, see Erin Fraccolli's article "Women and Quotas in Egypt's Parliament" at timep.org/commentary/women-and-quotas-in-egypts-parliament/.

³ The phrase "new laws" is used here to signify pieces of legislation that were not part of the 341 presidential decrees that parliament reviewed during its first 15 days of the first session.

⁴ For more information on irregular voting procedures in Egypt's parliament, see Brad Youngblood's article "Standing in Agreement: Egypt's Parliament Risks Becoming Rubber Stamp" at timep.org/commentary/standing-in-agreement-egypts-parliament-risks-becoming-rubber-stamp/ Image, page 13: Wikimedia user Sherif9282, "Referendum in the Desert," Wikimedia, 2011, https://commons.wikimedia.org/wiki/File:Referendum_in_the_desert.jpg.

LEGISLATION AND RULE OF LAW



Developments

On January 10, 2016, the House of Representatives was seated. In its first 15 days, and as mandated by Article 156 of the Constitution, it reviewed all 341 decrees issued by Presidents Adly Mansour and Abdel-Fattah El Sisi in the absence of a parliament, approving nearly all in a rushed, almost robotic process. Little to no debate on the substance of the decrees was allowed and some laws were voted on in groups. The only reported legislation that was not automatically approved was the Civil Service Law.

Throughout its first parliamentary session, which came to a close on September 7, 2016, the House of Representatives passed 27 new laws and amendments from roughly 82 draft bills proposed throughout this period, with a majority focused on the economy. At least two-thirds of the laws passed were largely or wholly drafted by the government rather than initiated by parliamentarians; the laws passed included, among others, the Church Construction Law, an amendment to the Penal Code heightening the punishment for female genital mutilation, an extension of a decree originally passed by Sisi to enable the Armed Forces to protect vital government facilities and expand the authority of military courts over civilians, and a much-anticipated Value-Added Tax (VAT) Law. Despite a requirement enshrined in Article 241 of the Constitution, the body failed to issue a Transitional Justice Law in its first session. The House of Representatives is currently seated in its second session, the most prominent occurrence of which has been its approval of an NGO Law intended to replace the infamous Law No. 84 of 2002 and set forth unprecedented repressive measures to constrain the activities and work of civil society organizations. (At the time of publication, the NGO Law had not yet been ratified by Sisi and is not in effect.)

Outside of legislative developments, pretrial detention periods, politicized sentences in the regular court system and specialized terrorism circuits, and military trial verdicts¹ continued to be issued against opposition activists and voices of dissent. In February 2016, novelist Ahmed Najji was sentenced to two years in prison for explicit content in his novel despite an initial acquittal; he was provisionally released after serving 10 months of his sentence and is currently awaiting the review of his appeal. The trial of dual U.S.-Egyptian citizen and NGO worker Aya Hijazi and her codefendants continued with procedural adjournments ongoing; Hijazi and her fellow NGO volunteers have been held in pretrial detention beyond the legal two-year maximum set forth by domestic law. The infamous foreign funding case of 2012-2013 was reopened, reported to target 37 domestic NGOs, and assailed human rights defenders with asset freezes, travel bans, and even the temporary arrest of one defender, Azza Soliman.² Forced disappearances continue to occur, with the El Nadeem Center for Rehabilitation of Victims of Violence and Torture reporting 154 cases in December 2016 alone.³

While the courts for urgent matters became less active, a number of other prominent court developments took place. An administrative court ruled a bilateral agreement to hand over the Tiran and Sanafir islands to Saudi Arabia to be unconstitutional; the Supreme Constitutional Court found Article 10 of the Protest Law unconstitutional; and a misdemeanors court sentenced the head of the Press Syndicate and two of its board members to two years in prison for harboring two journalists during a security pursuit. Also ongoing is a corruption case looking into bribes reportedly received by the State Council's purchasing manager; the case also implicated the Secretary-General of the State Council—who, just one day after his arrest, was reportedly found dead in his cell. Authorities have called it a suicide and since then, a media gag on the case has been issued.⁴

Background

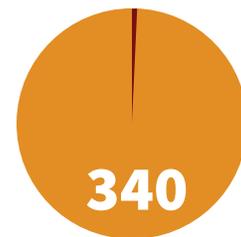
Save for an 18-month break between 1980 and 1981, a state of emergency governed Egypt beginning in 1967 and continued to be renewed and remain in force until May 31, 2012. During this period, the authority of the security apparatus was heightened, various civil and human rights were constrained, and political activity was significantly inhibited. Throughout his presidency, Hosni Mubarak justified the extension of the state of emergency by citing to the threat of terrorism and the power gains made by the Muslim Brotherhood. From Nasser through Mubarak, the Egyptian judiciary enjoyed a mixed record of fluctuations between politicization and judicial independence.⁵ With low voter turnout and continued domination by the National Democratic Party in the parliaments throughout the Mubarak regime, little reform came as a result of the country's legislature.

In the wake of the January 25 Revolution, the Supreme Council of the Armed Forces (SCAF) suspended the 1971 Constitution by decree. In March 2011, a referendum for an interim constitutional declaration was held and an interim constitution that granted the military full presidential authority was issued, while elections for parliament were held later that year. In June 2012, a constituent assembly began drafting a constitution that was approved by referendum in December. The 2012 Constitution made no mention of international law, allowed the trial of civilians before military courts for “crimes that harm the Armed Forces,” included detailed language on the principles of Islamic sharia, and set presidential terms at four years with only one reelection, among other provisions.⁶

Then-President Muhammad Morsi issued a controversial constitutional declaration in November 2012 that immunized prior and future presidential decrees from judicial review. This action, coupled with the removal of the prosecutor-general, raised serious questions on the government's commitment to the rule of law and respect for the judiciary. Military trials of civilians continued, “defamation of religion” (i.e., blasphemy) cases gained popularity, and the harassment of journalists was reported.⁷ Following Morsi's ousting, the constitution was suspended and a new 50-member constituent assembly was appointed in September 2013 to draft a new constitution. A January 2014 referendum approved the new charter, which removed the contested article governing the principles of sharia, listed several circumstances in which civilians could be tried by military court, banned the formation of political parties based on religion, and established a House of Representatives as the sole legislative body, among other things.⁸

With no sitting parliament, interim President Adly Mansour and later President Abdel-Fattah El Sisi enjoyed both executive and legislative authority, passing a total of 341 presidential decrees. During Mansour's presidency, the provisions governing pretrial detention were expanded,⁹ the infamous Protest Law severely constrained freedom of assembly,¹⁰ and the country's first-ever law defining and criminalizing sexual harassment was issued.¹¹ Sisi's decrees included legislation constraining the political activity of university students, a Counter-terrorism Law that curtails citizens' rights and freedoms, a provision that introduces a life imprisonment sentence for the receipt of foreign funds, and legislation allowing the trial of civilians by military courts for crimes committed against all public facilities.¹²

Throughout this period, a spike in forced disappearances, extended pretrial detention periods for prisoners of conscience, excessive use of force by security forces, and impunity for military and security personnel for



**DECREES APPROVED
BY THE HOUSE OF
REPRESENTATIVES
out of 341 issued by
Sisi and Mansour**

LEGISLATION AND RULE OF LAW

human rights violations were observed. With terrorist cases being tried by a handful of security-aligned judges, mass trials in which complex issues of law were decided in disproportionately short periods of time, and urgent matters courts issuing verdicts on political matters beyond their jurisdiction, this period of time also witnessed questions regarding the state of the country's judiciary.¹³

Analysis

A number of worrisome indicators suggest that the newly elected parliament will not fulfill its role as an independent check upon the remaining branches of government; rather, it may serve as more of a rubber stamp similar to its pre-revolutionary predecessors. The fact that the body hastily approved 341 decrees in a 15-day period without debate and discussion indicates its willingness to afford extensive discretion to the executive. This sentiment is further affirmed by the finding that the majority of laws ultimately passed were originally drafted by government officials rather than parliamentarians. It is also clear that the parliament is unlikely to safeguard the rights and freedoms of citizens, instead advancing the regime's crackdown on voices of peaceful dissent, via legislation—such as the amendment extending military courts' jurisdiction over civilians and the NGO Law—that contravenes Egypt's domestic and international human rights obligations. Finally, the fact that the parliament was unable to meet its constitutional obligation to issue a Transitional Justice Law in its first session shows a lack of deference for the binding provisions of the Constitution that may be quite problematic.

Outside the parliament, the state of the rule of law appears shaken, as well. While the judiciary continues to be a technically independent entity with members from a variety of political leanings—some of whom are willing to challenge the regime—there is no doubt that a significant number of judges are either aligned with the state or willing to issue sentences in support of the state to ensure their good favor with the government. The egregious due process and procedural violations in the country's prosecutorial offices and courtrooms, the ongoing reliance on military trials to issue disproportionately high sentences, and the continued culture of impunity point to a consolidation of authoritarianism that is being furthered by the various elements of the state. Additionally, the significant human rights abuses that continue to be reported by civil society and the state's insistence to reopen the NGO trial to bludgeon civil society, alongside the expansion of the crackdown to a novelist and workers serving the nation's street children, show the extent to which the regime is willing to go in order to silence all independent voices of peaceful dissent, irrespective of whether they are political or not. The brewing tension in the State Council on issues of corruption sheds light on possible schisms between branches of the state.

The Egyptian government continues to perpetrate violations against its citizens in contravention with its own domestic constitution and its various international legal obligations enshrined in treaties including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention Against Torture, and the African Charter on Human and Peoples' Rights.

Recommendations

- 1 – The Egyptian government must amend or repeal legislation that constrain the fundamental freedoms of Egyptian citizens, including the Protest Law, the foreign funding Penal Code amendment, the Counter-terrorism Law, and the Criminal Procedure Code provisions on pretrial detention.
- 2 –The Egyptian government must halt prosecution of and close Case No. 173, measures should also be taken to cease intimidation tactics used to repress civil society such as asset freezes, travel bans, and harassment of human rights defenders.
- 3 –The Egyptian government needs to decentralize the litigation of terrorism and politically motivated cases among circuits across the country to prevent the concentration of sentences in the hands of a few justices, and consequently encourage an environment of independence for the judiciary.
- 4– International partners should provide training and assistance to the Egyptian judiciary and the Ministry of Justice to address case backlog, accusations of politicized verdicts, and judicial appointment reform.
- 5 - International partners should provide training and assistance to parliamentarians to serve as a check on the remaining branches of government and to issue legislation in line with Egypt’s constitution and international legal obligations.
- 6 - International partners should include legal reform and transitional justice in human rights conditioning when extending aid to Egypt.

¹ Human Rights Watch, “Egypt: 7,400 Civilians Tried In Military Courts,” April 13, 2016, <https://www.hrw.org/news/2016/04/13/egypt-7400-civilians-tried-military-courts>.

² Tahrir Institute for Middle East Policy, “TIMEP Strongly Condemns Continuation of Egyptian Government’s 2012-2013 NGO Trial,” March 17, 2016, <https://timep.org/press-releases/timep-strongly-condemns-continuation-of-ngo-trial/>.

³ El Nadeem Center for Rehabilitation of Victims of Violence and Torture, “December 2016” (AR), <https://drive.google.com/file/d/oBz-QqOchi4gFcTlPdW9nMU5HTVk/view>.

⁴ “Timeline: Detained former State Council official reportedly commits suicide in custody,” Daily News Egypt, January 2, 2017, <http://www.dailynewsegypt.com/2017/01/02/timeline-detained-former-state-council-official-reportedly-commits-suicide-custody/>.

⁵ Daniela Pioppi, “The Judiciary and the ‘Revolution’ in Egypt,” Insight Egypt, August 2013, http://www.iai.it/sites/default/files/inegypt_02.pdf.

⁶ “Comparing Egypt’s Constitutions,” Carnegie Endowment for International Peace, <http://carnegieendowment.org/files/Comparing-Egypt-s-Constitutions.pdf>.

⁷ See Cairo Institute for Human Rights Studies, “One year into Mohamed Morsi’s term: Manifold abuses and the systematic undermining of the rule of law,” June 26, 2013, <http://www.cihrs.org/?p=6849&lang=en>.

⁸ Sarah El Masry, “Egypt’s new constitution: A comparative overview,” Daily News Egypt, December 8, 2013, <http://www.dailynewsegypt.com/2013/12/08/egypts-new-constitution-a-comparative-overview/>.

⁹ “Amended law allows Egypt courts to extend defendants’ detention indefinitely,” Ahram Online, September 26, 2013, <http://english.ahram.org/NewsContent/1/64/82544/Egypt/Politics-/Amended-law-allows-Egypt-courts-to-extend-defendan.aspx>.

¹⁰ Human Rights Watch, “Egypt: Deeply Restrictive New Assembly Law,” November 26, 2013, <https://www.hrw.org/news/2013/11/26/egypt-deeply-restrictive-new-assembly-law>.

¹¹ “Egypt brings in new sexual harassment laws,” BBC News, June 5, 2014, <http://www.bbc.com/news/world-middle-east-27726849>.

¹² Mai El-Sadany, “Tracking Egypt’s Extraparliamentary Laws,” TIMEP, August 12, 2015, <http://timep.org/commentary/tracking-egypts-extraparliamentary-laws/>.

¹³ See Mai El-Sadany, “The Courts for Urgent Matters: Legislation from the Bench,” TIMEP, July 15, 2014, <http://timep.org/commentary/courts-urgent-matters-legislation-bench/>.

Image, page 18: Dominic Chavez/World Bank, “World Bank Group President, Jim Yong Kim meets with Egypt President, Abdel Fattah El-Sisi”. Flickr, 2015. <https://www.flickr.com/photos/worldbank/18083959114/>

RIGHTS AND FREEDOMS



Developments

In 2016, the Egyptian government increasingly violated basic human rights. Despite the presence of a two-year limit on pretrial detention, the Egyptian Initiative for Personal Rights (EIPR) documented 1,464 cases of pretrial detention that surpassed that limit.¹ Courts continued the practice of mass trials; one case, trying 116 protesters at once, resulted in a three-year-old boy being given a sentence of life in prison (it was later revoked).² Both regular and military courts carried out politicized trials, relying upon weak evidence, oral testimonies from security officials, and confessions acquired through torture and forced disappearance.³ These unfair trials also resulted in death sentences, including against journalists Ibrahim Helal, Alaa Sabla, and Asmaa Khatib in absentia by a regular court and against eight individuals in a single case by a military court.

Security forces expanded the use of torture and enforced disappearance during 2016. El Nadeem Center for the Rehabilitation of Victims of Torture and Violence documented 236 cases of torture between January and June 2016.⁴ El Nadeem tallied 980 reports of forced disappearances,⁵ while the Egyptian Commission for Rights and Freedoms documented 442 cases of enforced disappearances between January and August 2016.⁶ In one case, Islam Khalil—an apolitical 26-year-old salesman—was arrested without a warrant from his home and disappeared for 122 days, before reappearing in prison and with a confession of belonging to the Muslim Brotherhood extracted through torture. In early 2016, Giulio Regeni, an Italian Ph.D. student, disappeared and was later found tortured to death. There is a consensus among observers that security forces were implicated in his death,⁷ though there have been no official charges to that effect. The practice of random torturing and even murder of street vendors was reported in several cases, including fishmonger Magdy Makin in Alexandria, tea vendor Mustafa Abdel Qader in the Cairo exurb of Rehab, and taxi driver Muhammad Adel Darbaka in Cairo's Darb al-Ahmar neighborhood. These excesses led to demonstrations (see Public Engagement section) and minor police policy reforms (see Security section). Criminal charges were brought in all three of the aforementioned cases; Darbaka's and Abdel Qader's killers were sentenced to prison and are appealing, and the trial is pending in Makin's case.

Despite the Supreme Constitutional Court decision to void Article 10 of the Protest Law, which empowered the Ministry of the Interior to ban protests at will, freedom of assembly remains tightly constrained. Freedom of assembly is not only limited by law, but security forces regularly crack down on protests without legal grounds and use excessive force in doing so. Also, prosecutors regularly charge defendants with other charges. In fact, between January 1 and September 24, 2016, of the cases where protesters were charged, only 23 percent of them were solely for protesting without notification. Security forces violently dispersed protests throughout 2016, even after the constitutional court's decision. On April 15, security forces dispersed protesters demonstrating against the signing of a treaty with Saudi Arabia transferring the control of Tiran and Sanafir to Saudi Arabia. Hundreds of protesters were charged with a variety of offenses including violence and terrorism, and were sentenced to prison.

The government renewed its crackdown on freedom of association by reopening the 2012-13 foreign funding case (Case 173), harassment of civil society workers, the closure of civil society organizations, and a new NGO Law. Investigative judges revived the 2011 case against several Egyptian human rights organizations and workers accused of receiving foreign funding. Judges are using travel bans, asset

freezes, court summons, arrests, and closures against human rights workers including Mozn Hassan of Nazra for Feminist Studies, Hossam Bahgat for his earlier role with EIPR, Mohamed Zarei with Cairo Institute for Human Rights Studies (CIHRS), and Azza Soliman with the Center for Egyptian Women's Legal Assistance (CEWLA). Defendants face up to life in prison under Article 78 of the Penal Code and Law 84/2002, which also regulates nongovernmental organizations. In addition, authorities regularly raid civil society organizations outside the scope of Case 173, arrest their employees, and impose travel bans on them as with the Egyptian Commission for Rights and Freedoms. The government has closed dozens of aid organizations across Egypt for suspected relationships with Muslim Brotherhood figures. Finally, the parliament passed a draconian draft law on NGOs without any consultation with civil society or the government in a matter of days; the law awaits presidential approval.

Things were no better for press freedom. The Committee to Protect Journalists (CPJ) listed Egypt as the third-worst country for journalists, with 25 journalists in jail.⁸ Violations against media freedoms include continued detention and prosecution of journalists for doing their work, media censorship, and the crackdown on the Syndicate of Journalists. In June 2016, Cairo court sentenced three journalists to death for spying.⁹ Mahmoud Hussein, a producer for Al Jazeera, was arrested on charges of disseminating fake news in December. A draft law on an Audiovisual Reporters Syndicate would establish a two-year prison sentence for practicing journalism without being registered with the syndicate. Censorship expanded through the use of gag orders against covering several ongoing cases, including Case 173 and several high-profile deaths. On October 29, a much-publicized interview with former top auditor Hesham Genina was cut from programming at the request of an unnamed government official. In the aftermath of protests related to Tiran and Sanafir, security forces also broke into the Syndicate of Journalists for the first time since its foundation and arrested journalists Amr Badr and Mahmoud al-Sakka from it. Later, a court sentenced Yehia Qallash, the chairman of the syndicate, and board members Khaled al-Balshy and Gamal Abdel Rahim to two years in prison.

The international community has been selectively critical of the Egyptian government crackdown on rights and freedoms. Officials from the United States, European Union, and United Nations have condemned the suppression of civil society, raising concerns over the freedom of association and the safety of human rights defenders. The case of Giulio Regini also garnered wide concern and shed light on forced disappearances in Egypt, although the main official concern was on Egyptian cooperation with Italian officials in the investigations. Some individual cases have attracted international attention, including American nationals in Egyptian prisons Mohamed Sultan and Aya Hijazy, as well as the cases of Egyptian activists and writers like Sanaa Saif, Alaa Abdel Fattah, Hossam Bahgat, Mozn Hassan, Gamal Eid, and Ahmed Naji.

Background

Under former President Hosni Mubarak, freedoms of expression, association, and assembly were severely restricted by law, and security forces regularly practiced torture and extralegal detention with total impunity. A state of emergency which began in 1981 empowered security forces and special civilian and military courts to violate the right to due process. Defendants in terrorism-related charges were subject to prolonged administrative detention and unfair trials in courts outside the regular judiciary, including military courts, and torture was prevalent as means of interrogation. Security forces regularly dispersed protests by force and arrested protesters. A 2002 law limited nongovernmental organizations' work and was used to harass civil society. The government maintained a monopoly on all forms of traditional media and regularly censored unfavorable reporting and detained reporters.

RIGHTS AND FREEDOMS

While it was a primary motivating factor in the upheaval that removed Mubarak, the January 25 Revolution did not bring lasting progress for rights and freedoms. The military, which governed the country after Mubarak's resignation, maintained the state of emergency for over a year and expanded the use of military trials against civilians.¹⁰ Torture continued against activists, including virginity tests for women protestors. Law 84/2002 continued to constrain NGOs, and security forces raided several international organizations' offices in Cairo and arrested 43 of their staff in December 2011. Freedom of assembly also remained constrained, as the military forcibly dispersed protests in Tahrir Square in 2011 and 2012 and issued a law that effectively banned protests and strikes. In several episodes police and military forces killed tens of protestors and arrested hundreds. Freedom of the press was also strained, as security forces regularly assaulted and detained journalists.

During the tenure of Muhammad Morsi rights and freedoms improved slightly, if only relatively, for a short period of time, although violations persisted. The state of emergency was allowed to expire and ended the referral of new cases to special courts, but did not address ongoing cases. The constitution stripped the president from the power to transfer civilians to military courts, but enshrined military trials for civilians for crimes against the military or their assets. Torture continued under Morsi, but to a lesser extent.¹¹ Freedom of association improved in practice, as civil society enjoyed unprecedented freedom, despite the sentencing of the 43 international organizations workers to jail in 2013. Press was significantly freer under Morsi, as critical anchors and journalists operated with fewer repercussions. While the government attempted to prosecute several journalists and anchors, they only succeeded in few cases. Security forces continued to disperse anti-government protests with force, and in several cases protests and counter protests escalated into street violence among competing protestors, the police, and military.¹²

Morsi's ouster in 2013 reversed these gains in the fields of rights and freedoms. Usage of prolonged pretrial detention, arbitrary detention, mass and unfair trials, politicized death sentences, and military trials expanded, as the government passed a repressive counter-terrorism law and expanded the mandate of military courts. Systematic torture and forced disappearances reached alarming levels, while protests were dispersed with excessive force, causing high casualties, especially in 2013 and 2014; protests became virtually illegal following the 2013 issuance of the Protest Law. Security forces increased their harassment of civil society and the government banned and dissolved hundreds of NGOs. Press freedom reached an all-time low, as dozens of journalists were arrested and subjected to unfair trials making Egypt the second-highest jailer of journalists in 2015.¹³ The government imposed gag orders on several ongoing investigations, and made reporting news conflicting with military statements punishable by two years in prison.

Analysis

The Egyptian government is actively attempting to constrain rights and freedoms using both legal and extralegal methods to do so, particularly under the auspices of counter-terrorism. However, the claim of fighting terrorism is far from true, as violations are not only limited to cases of terrorism or even political activists, but are intruding on the rights and freedoms of every Egyptian at the moment. Impunity among officials remains rampant and is contributing to the expansion of rights and freedoms violations. As government and security officials rarely are convicted of wrongdoing, they have become above the law, and as such use violence against civilians to resolve petty disputes and as normal routine in places of detention.

Authorities violate Egyptian constitutional and international legal obligations with regard to rights and freedoms. Chapter 3 of the Constitution establishes protections for due process (Article 55), association (Articles 75, 76, and 78), assembly (Article 73), press (Articles 70, 71, and 72), and protections from torture (Articles 51 and 52). However, the government continues to violate these rights through restrictive legislation and practices that effectively render these protections as mere ink on paper. The Constitution's own guarantees are imperfect, particularly in Article 204, which allows military trials for civilians for crimes committed against military assets or individuals. Egyptian authorities are in direct violation of the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture, both of which Egypt is party to. In addition, Egypt is expected to adhere to *jus cogens*, even if it is not signatory to certain treaties like International Convention for the Protection of All Persons from Enforced Disappearance.

Several provisions of Egyptian law continue to threaten basic rights and freedoms in Egypt, most notably the Counter-terrorism, Protest, and NGO Laws, and little is done to amend them. The 2015 Counter-terrorism Law has effectively replaced the state of emergency that expired in 2012. It increases authorities' power to impose heavy sentences, including the death penalty, for crimes under a definition of terrorism that is so broad it encompasses civil disobedience. The Protest Law of 2013 establishes vague grounds for criminalizing peaceful protests, establishes harsh sentences using the same vague wordings, and allows security forces to use excessive force to disperse protests. The NGO Law passed by parliament establishes unprecedented limits to civil society's registration and activities.

These factors combine to exacerbate the rights and freedoms situation in Sinai. Lack of media coverage means that security forces operate with total impunity. Allegations of enforced disappearances, torture, and extrajudicial killings in Sinai are rampant. The security forces' practices, particularly in northern Sinai, have led to increased restiveness among residents in the region. The failure of security forces to bring an end to the insurgency, despite mass human rights violations, should alarm the government that violations of rights and freedoms are not productive to counterterrorism strategies.

The continued practice of capital punishment is a serious concern, especially under the current politicized judicial system. The lack of due process and continued practices of extracting confessions using torture along with group and special trials raise the dangers of executing innocent individuals as well as politicized executions.

International pressure on the Egyptian government regarding violations of rights and freedoms have been largely ineffective due to a lack of serious backing to statements of condemnation or concern. International actors have had some success through coordinated pressure and condemnation. The most relevant example has been the NGO Law passed by the House of Representatives: Coordinated international pressure managed to sway President Abdel-Fattah El Sisi to delay signing the law. However, other issues like torture and forced disappearances were only raised in statements and were largely ignored by the Egyptian government. Any international interest in promoting rights and freedoms in Egypt must then emphasize support to Egyptian local human rights organizations, link cooperation to performance in the field of human rights, and bring the discussion of rights and freedoms to top-level meetings with Egyptian officials.

Committee
to Protect
Journalists



EGYPT:
3rd
out of
144

RIGHTS AND FREEDOMS

Recommendations

- 1 – The Egyptian government must respond to concerns about due process by ending military trials for civilians, enacting a moratorium on death penalty sentences and executions, observing legal limits on pretrial detention, and dismissing confessions acquired through torture and during periods of forced disappearance.
- 2 –The Egyptian government should amend the Counter-terrorism Law to comply with national and international standards on due process.
- 3 –The Egyptian government needs to address concerns about torture by ensuring civil society oversight of places of detention, holding security officials implicated in cases of torture and enforced disappearances accountable, ending the use of forced disappearances by security forces, and revealing the location of forcibly disappeared individuals.
- 4– Egyptian authorities must ensure freedoms of association and assembly as guaranteed by the 2014 constitution by ending investigations and dropping charges related to Case 173, ceasing harassment of civil society workers and organizations, amending the Protest Law in accordance with Egyptian constitutional and international legal obligations, and exonerating and releasing detainees arrested for protesting.
- 5 –Egyptian authorities must end harassment, intimidation, and imprisonment of journalists and respect freedom of the press and freedom of speech for Egyptian citizens as guaranteed by the 2014 Egyptian constitution.
- 6 –International partners should push Egypt to repeal limits on foreign funding and facilitate disbursement of funds to qualified independent civil society actors.
- 7 –International financial institutions and other donors or lenders should condition loans and financial assistance on human rights and civil society promotion as main pillars of social and economic stability.
- 8 –International government officials should publicly and privately emphasize the importance of human rights issues and specific issues of abuse in meetings with Egyptian officials.
- 9 -Security partners should promote a counterterrorism strategy that emphasizes respect for rights and freedoms.

¹ Egyptian Initiative for Personal Rights, “The New Emergency Law: Endless Pretrial Detention as Political Punishment At least 1,464 people in Four Governorates Held in Pretrial Detention Longer than the Two Year Legal Limit,” May 10, 2016, <http://eipr.org/en/press/2016/05/replacement-emergency-law-pretrial-detention-political-punishment>.

² Human Rights Watch, “Egypt: Life Sentence for 3-Year-Old,” February 23, 2016, <https://www.hrw.org/news/2016/02/23/egypt-life-sentence-3-year-old>.

³ International Commission of Jurists, “Egypt: authorities must end politicization of the judiciary and ensure its independence and accountability,” October 12, 2016, <http://www.icj.org/wp-content/uploads/2016/10/Egypt-Tool-of-repression-report-launch-News-Press-release-2016-ENG.pdf>.

⁴ El Nadeem Center for Rehabilitation of Victims of Violence and Torture, “Statement of Account” (AR), June 2016, <http://www.alnadeem.org/file/174/download?token=bxCGrfK6>.

⁵ El Nadeem Center for Rehabilitation of Victims of Violence and Torture, “Archive of Oppression in 2016,” January 25, 2017, <https://static1.squarespace.com/static/4f334481cb12c1acadc57623/t/589d8f9f37c5811653d89cd4/1486720954695/2016+Report+English.pdf>.

⁶ Egyptian Commission for Rights and Freedoms, “Stop Enforced Disappearances Campaign Yearly Report for 2016,” forthcoming, will be published at <http://stopendis.org/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1/>.

⁷ Alexander Stille, “Who murdered Giulio Regeni?,” *Guardian*, October 4, 2016, <https://www.theguardian.com/world/2016/oct/04/egypt-murder-giulio-regeni>.

⁸ Committee to Protect Journalists, “2016 prison census: 259 journalists jailed worldwide,” December 1, 2016, <https://www.cpj.org/mideast/egypt/>.

⁹ Euan McKirdy, “Egypt sentences 6 people to death, including 2 Al Jazeera journalists,” *CNN.com*, June 19, 2016, <http://www.cnn.com/2016/06/19/middleeast/cairo-death-sentence-qatar-spying-case/>.

¹⁰ Amnesty International, “Amnesty International Report 2012: The State of the World’s Human Rights,” May 24, 2012, <https://www.amnestyusa.org/sites/default/files/air12-report-english.pdf>.

¹¹ Amnesty International, “Amnesty International Report 2013: The State of the World’s Human Rights,” May 23, 2013, http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf.

¹² Human Rights Watch, “World Report 2014: Egypt,” <https://www.hrw.org/world-report/2014/country-chapters/egypt>.

¹³ Committee to Protect Journalists, “2015 prison census: 199 journalists jailed worldwide,” December 1, 2015, <https://cpj.org/imprisoned/2015.php>.

Image, page 22: Ahmad Hammoud, “Protest Face Paint,” *Flickr*, 2011, <https://www.flickr.com/photos/ahmadhammoudphotography/5409762481>.

SECTARIANISM



Developments

Throughout 2016, members of the Egyptian government proclaimed the need for religious reform. In January, President Abdel-Fattah El Sisi attended Orthodox Christmas celebrations at the Coptic St. Mark's Cathedral for the second year in a row and echoed previous calls for equal citizenship for all Egyptians. Despite these statements and gestures toward equality, most events point toward a neutral or regressing state of inter-sectarian relations in Egypt.

Several long-running sectarian issues continued to simmer. The state continued to rely on reconciliation sessions to “resolve” disputes among members of different religious groups, with customs and outcomes being slanted in favor of the religious majority. Reports of inter-sectarian romantic relationships led to several incidents of violence, most notably one in which the mother of a Christian man who had a relationship with a Muslim woman was stripped naked and dragged through the streets of the city of Minya. During Ramadan, zealous local officials in Giza took action against cafes and restaurants that remained open during fasting hours, effectively denying freedom of religious practice for all but strictly observant Muslims. Shi'a continued to be demonized by government officials and media members, and there was at least one case where a family who converted to Shiism were forced to leave their home. The charge of “insulting religion” (i.e., blasphemy) continued to be used. Major blasphemy cases included a group of Christians (including four minors) who made a video insulting the Islamic State and received prison sentences, members of the satirical music group Atfal al-Shawarea (“Street Children”) who were detained on possible blasphemy charges, and a man in Sharqiya who was sentenced to two years in prison for spreading Shi'a doctrine. The government has restricted research, reporting, and documentation efforts, notably by detaining Mena Thabet of the Egyptian Initiative for Personal Rights for several weeks.

As mandated by the Constitution, Egypt's House of Representatives passed a Church Construction Law in August during its first session. The law was the result of discussions among cabinet ministers and representatives of Egypt's three recognized Christian sects (Orthodox, Catholic, and Protestant), and the bill this group submitted to parliament was neither thoroughly debated nor meaningfully altered by the legislature. Church leaders and most parliamentarians hailed the legislation, though the law was criticized by observers and some representatives for maintaining separate construction procedures for churches and mosques, dashing the hopes of those who advocated for a unified houses of worship law. The law does not meaningfully alter Mubarak-era practices for church construction; rather, it codifies the delegation of authority to provincial governors to decide whether churches may be built, renovated, or expanded. It does, however, grant legality to churches built without permits between 2011 and 2016. The law's discussion and passage did not end the trend of civil disturbances related to rumors of church construction. Mobs acting on reports of illegal church presence or construction caused property damage in at least three instances (in Alexandria in June, in Beni Suef in July, and in Sohag in November).

Terrorism in Egypt became more sectarian in 2016. Attacks on police forces stationed outside churches continued; these have occurred with some regularity since 2013 and may not be sectarian as much as

◆ Both Islamic State affiliates in Egypt began targeting Copts in 2016, claiming responsibility for overtly sectarian attacks.

related to the ongoing targeting of security forces. More notably, a bomb targeted St. Peter's (Boutrosiyya) Church in Cairo, in the Coptic cathedral complex, killing 28 worshippers.¹ The attack was claimed by the Islamic State in Egypt. In Sinai, Wilayat Sinai (the Islamic State's "Sinai Province") assassinated a Coptic priest in Arish and beheaded a Sufi sheikh whom the group accused of witchcraft. (For more on terrorism in Egypt, see the Security section of this report.)

The number of Jews in Egypt continued to dwindle, with several deaths in the tiny community. Visits by American and Israeli government officials to Jewish sites brought more visibility to the history of the community, but popular and government anti-Semitism remained prominent. When Representative Tawfik Okasha of the Egyptian House of Representatives dined with Israel's ambassador in an attempt to normalize relations between the two countries, a public outcry ensued, featuring anti-Zionist and anti-Semitic language that often conflated Jews and the Israeli state. Okasha was expelled from the parliament by his peers.

Background

While successive Egyptian constitutions have guaranteed the freedom of religion and belief for Egyptians, governments and institutions have continually undermined those rights. Bureaucrats and courts have stifled attempts to convert from Islam, and faiths other than Islam, Christianity, and Judaism are significantly hampered by a lack of recognition. For example, Bahá'í citizens are permitted to place a dash where national identification documents require religious affiliation, considered to be a compromise after the Supreme Administrative Court refused to recognize the Bahá'í faith fully.

A blasphemy law was added to the Penal Code in 1982, and was amended in 2006. This law has been used to inhibit freedom of speech and religion, constraining the rights of religious minorities as well as members of the majority religion, Sunni Islam. Since 1856, a law governing the construction of houses of worship required that the executive approve any new church building in addition to other constraints, and another set of restrictions on churches from the 1930s was also frequently cited to prevent construction, renovation, and expansion. In 2005, an amendment to the law governing the construction of houses of worship allowed churches to be able to conduct basic repairs without waiting for government approval, though church expansion and renovation continued to provoke frequent government and social opposition.

Incidents of sectarian violence and attacks, particularly those committed against Christians, rose in the latter years of former President Hosni Mubarak's rule. Between January 2008 and January 2010, the Egyptian Initiative for Personal Rights documented at least 53 incidents of sectarian violence in 17 different governorates. The high level of violence, coupled with a failure to convict those responsible for even the most prominent of events like the December 2010 bombing of the Two Saints Church in Alexandria, contributed to a culture of impunity.

Sectarian violence—and impunity for the attacks—continued consistently during Egypt's transition after January 25, 2011. In May 2011, a series of attacks took place against churches in Imbaba after Salafis claimed that a convert to Islam was being held against her will. In October 2011, a peaceful protest against the burning and destruction of Mar Gerges Church in Aswan was attacked by army vehicles and personnel outside the Maspero Building in a massacre that ultimately claimed 25 lives and left dozens injured.

**IN 2016,
ESHHAD REPORTED**

- 57** Sectarian Incidents
- 26** Incidents in Minya
- 11** Abductions

SECTARIANISM

After former President Muhammad Morsi came to power in June 2012, sectarian rhetoric and language was increasingly heard on television networks and furthered by political officials. April 2013 witnessed sectarian violence in Khesous, Giza, and the siege of the Abbassiya Cathedral, marking an unprecedented attack on the headquarters of the Coptic Orthodox Church. Christians were not the only victims of the increased sectarianism; June 2013 brought the lynching of four Shi'a Egyptians after months of anti-Shi'a rhetoric from notable Sunni figures.

In the immediate aftermath of Morsi's removal and following the violent dispersal of the Muslim Brotherhood sit-ins, around 130 attacks took place against Christians and their property in August 2013. Since August 14, 2013, Eshhad has documented over 400 sectarian incidents in 18 different governorates against religious minorities, the majority of which have been against Christians. Although some perpetrators were sentenced to prison for a few church attacks, the majority have yet to be brought to justice and police have failed to conduct adequate investigations. Informal reconciliation sessions, which rarely bring fair or just results for the largely Christian victims, continue to be used as a replacement to the judicial process.

- The Egyptian parliament passed a new Church Construction Law in August which protects some previously unlicensed structures but is unlikely to ease the construction of new churches.

The 2012 and 2014 Constitutions used nearly identical language regarding religious freedom as previous constitutions. Language stating that the principles of the laws of Christians and Jews would govern their personal affairs was approved. Freedom of belief was guaranteed as an inviolable right; however, the freedom to practice religious rites and to construct houses of worship was reserved only for adherents of the "divine religions," excluding Bahá'ís, possibly Shi'a, and other religious minorities in the country from constitutional guarantees.

Charges of blasphemy continued to be brought before the courts. About 41 percent of blasphemy cases, some of which rested on flimsy evidence such as Facebook posts, were filed against Christians. The United States Commission on International Religious Freedom reported that in 2014, the majority of charges were leveled against Sunni Muslims, but that the majority of those sentenced by a court to prison for blasphemy were Christians, Shi'a, and atheists.²

The Jewish community continued to dwindle in number. Jewish religious buildings are occasionally vandalized, and, broadly speaking, anti-Semitic discourse is common and largely acceptable. Bahá'ís and atheists continued to be ostracized by Egyptian authorities and society, despite several attempts to promote awareness of these groups between 2011 and 2015. The Egyptian state religious establishment conducted several campaigns against immorality, which often explicitly included atheism. While language in the 2012 Constitution that promoted Sunni theology was stricken from the 2014 charter, the government has continued to restrict Shi'a observance, especially of the holiday of Ashoura, and anti-Shi'a sentiment and rhetoric remain widespread.

Analysis

Religious freedom remains severely restricted throughout Egypt, where citizens are not free to believe or not believe, nor are they able to practice their beliefs as they see fit. Although the Constitution of 2014 provides an absolute right to belief, it limits the practice to Abrahamic religions, and legal and social structures further restrict the free exercise of religion. The Church Construction Law and institutional practices such as listing religion on state documents further inequality and entrench sectarian practices. Authorities' failure to respond in a timely manner to or provide support to victims of sectarian violence encourage impunity, and racist and sectarian rhetoric is widespread among media personalities, politicians, and educators.

The state has failed to make significant improvements in its ability to respond to attacks on minorities, and has continued to take action against those, like Mena Thabet, who challenge the status quo. Despite calling for religious reform, the state has quashed any attempt to change Egypt's religious institutions (both state and non-state). In order to improve societal inter-sectarian relationships and thus promote a lasting, just security, true legal and governmental reform is a necessary and first step. Instead—as it has with other freedoms—Egypt's discriminatory, controlling practices, the state has moved to limit change and challenges to its authority. Egypt's constitutional and international legal obligations demand it do a better job of protecting the free exercise and enjoyment of religion.

GENDER AND SEXUALITY

Recommendations

- 1 – The Egyptian parliament should repeal the criminalization of blasphemy and proselytization.
- 2 – The Egyptian parliament should amend the new Church Construction Law to provide equal building requirements on churches and mosques and to provide more positive guarantees for the right to build houses of worship.
- 3 – The Egyptian executive must undertake immediate reform of the security sector and judiciary to ensure that sectarian practices are curbed and abolished, taking measures to ensure that laws are properly implemented by members of the security and judiciary, through education, training, and structural reform.
- 4 – The Egyptian government must prohibit the use of reconciliation meetings as an alternative to the judicial system when settling sectarian disputes.
- 5 – Egypt's education ministry needs to implement curriculum reform to alter education materials that further sectarian rhetoric.
- 6 – International partners should encourage Egyptian authorities to amend or repeal its blasphemy and church construction laws to bring them up to international legal standards.
- 7 – International partners should provide a platform for Egyptian parliamentarians to be trained on the role of the legislature to preserve the rights of minorities.
- 8 – International partners should pressure Egyptian authorities to reopen investigations into events like the Two Saints Church bombing and the Maspero massacre in order to curb the culture of impunity prevalent among the security forces in their dealings with religious minorities.

¹ Tahrir Institute for Middle East Policy, "Special Briefing: 27 Killed in Bombing at Chapel near St. Mark's Cathedral," updated on January 31, 2017, <https://timep.org/wp-content/uploads/2016/12/SpecialBriefing-CathedralBombing.pdf>.

² "Egypt," Annual Report of the U.S. Commission of International Religious Freedom, 2015, <http://www.uscifr.gov/sites/default/files/USCIRF%20Annual%20Report%202015%20%282%29.pdf>.

Image, page 28: Andrew A. Shenouda, "St.Mark Domes, St.Mark Church, Heliopolis," Flickr, 2008, <https://www.flickr.com/photos/ahmadhammoudphotography/5409762481>.

GENDER AND SEXUALITY



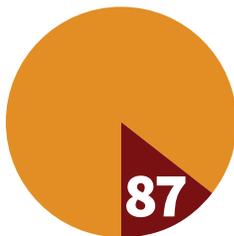
Developments

Despite some positive progress regarding the criminalization of female genital mutilation (FGM) and the fight against sexual harassment, as well as a record number of women elected to seats in the parliament, there remain issues with the enforcement of laws related to these issues. In the 2016 Global Gender Gap report, Egypt ranked 132 out of 144 countries, a slight rise from 136 the prior year.¹ The rights of LGBT Egyptians remain nonexistent, as they are continually targeted by the state for prosecution.

This year, Egypt's parliament passed new legislation to increase the penalties for FGM, following an outcry over the highly publicized death of a girl during an FGM procedure in Suez, as well as outrage over new information that a previously convicted doctor was already out of prison. Those who perform the procedure are now subject to prison terms from five to seven years, or up to 15 if the procedure results in disability or death, and parents of girls can be sentenced to up to three years in prison. Egypt's prosecutor-general issued a memo to all prosecutors emphasizing the importance of enforcing anti-FGM laws; prosecutions for the practice remain exceedingly rare, however.

Campaigns against sexual harassment and violence against women continued, with women's rights organizations commending the government's 2015 plan while encouraging further work on the issue. The Eid al-Fitr holiday in July 2016 illustrated tensions between government and civil society efforts, with contradicting reports from government bodies and activists. While the state-sponsored National Council for Women reported that their harassment hotline received low numbers of complaints, activist groups reported larger numbers of incidents of public harassment, and some of the most prominent anti-harassment groups, including I Saw Harassment, were denied permission by the government to operate during the holiday.

The current share of women in parliament, 14.59 percent, is the highest in Egypt's history. Women also hold prominent cabinet positions, including the Minister of Social Solidarity and the Minister of Immigration and Egyptian Expatriate Affairs. These gains are not necessarily indicators of solid social progress, however. The record parliamentary numbers are the result of a one-time 2015 parliamentary elections quota, and women are still shut out from the most powerful committee seats within parliament. There has been no indication that a similar quota will be imposed for local elections, if or when they are held.



**WOMEN IN
PARLIAMENT
out of 596,
the most in
Egypt's history**

Human rights defenders and civil society activists, such as Nazra for Feminist Studies and their director, Mozn Hassan, have been targeted with asset freezes and travel bans. Azza Soliman, the founder of the Centre for Egyptian Women's Legal Assistance, is another prominent women's rights activist targeted in the same case; she was arrested and later released in December 2016. Both women and their nongovernmental organizations have been targeted as part of the larger campaign against NGOs (see the Rights and Freedoms section of this report for more on this effort by the government, Case 173). This targeted harassment of civil society activists has had severe consequences for the LGBT community in Egypt, as such activists are often the only defenders of the community in the country due to government hostility.² This intimidation has kept public advo-

GENDER AND SEXUALITY

cacy efforts to a minimum, at a time when such efforts are sorely needed, as police continue to target LGBT Egyptians away from the media spotlight that often accompanied previous cases.

Background

The number of reported public incidents of sexual harassment in Egypt increased with women's greater participation in public protest and activity beginning in 2011.³ The increase in assaults and harassment following 2011, along with the greater visibility and awareness of such assaults due to the use of the internet and social media and the work of civil society on the issue, forced politicians, including President Abdel-Fattah El Sisi, to address the problem, including through the criminalization of such harassment, though issues of state violence against women went unaddressed. In a landmark decision on July 17, 2014, an Egyptian court sentenced nine men to between 20 years and life in prison for sexually assaulting women near Tahrir Square.

Despite Egypt's recent crackdown on FGM, the procedure has only been illegal since 2008. Since that time, however, the rate of the procedure among girls between 15 and 17 years of age has decreased from 74 to 61 percent.⁴ In 2015, the first doctor, Raslan Fadl, was prosecuted and sentenced for the death of a 13-year-old girl resulting from FGM, but his case illustrates the difficulty in combating the practice. Fadl was released from detention early after reconciling with the girl's family, and continued to work as a doctor afterwards.

Since women were granted the right to run for office in 1956, the number of women in the parliament and government has fluctuated wildly, often in line with government-imposed election quotas, the first of which was introduced in 1979. Since that year, women's representation has fluctuated from anywhere between 1 percent (as in 2012), and the current high of nearly 15 percent.

While homosexuality itself is not explicitly illegal in Egypt, members of the LGBT community are frequently targeted by police under a variety of other charges, most often "debauchery" and prostitution. As the community is forced underground, police have increasingly resorted to the use of dating applications to target community members, who are often then subjected to physical assault and anal examinations. Between the end of 2013 and November 2016, LGBT rights NGO Solidarity With Egypt LGBTQ+ recorded 114 criminal investigations of 274 individuals. Public opinion is as intolerant as the government; a 2013 opinion survey found that 95 percent of Egyptians disapprove of homosexuality.

Analysis

Gender and sexuality issues in Egypt during 2016 reflected larger overall struggles between civil society and the government, whether that be related to tensions in combating harassment or through direct government prosecution of women's rights defenders. Overall, the state remained unwilling to go beyond superficial measures and address the roots of problems, and instead remained largely concerned with conserving its own power and protecting its own agenda. The targeting of NGOs, both through prosecution over funding and exclusion from sexual harassment initiatives, seems to be deliberate and designed to create an image of state control. Furthermore, the government's willingness to increase penalties for FGM, while a positive step, is undercut by the continued unwillingness of many prosecutors and police to enforce the regulations.



EGYPT:
132
out of
144

Many issues related to gender and sexuality also illustrate the difficult, slow task of changing Egyptian public opinion, such as when a majority of girls aged 15 to 19 are subjected to FGM and there is overwhelming public disapproval of the LGBT community. The majority of this work is shouldered by activists and civil society, struggling to overcome an indifferent government, inconsistent funding, and strong conservative cultural norms, especially in rural areas of the country. A lack of government enforcement of legislation, in the case of FGM, and overzealous prosecutions, in the case of the LGBT community, send messages that contradict the work of CSOs and make activists' work that much harder.

Especially when it comes to the issue of sexual harassment, the state's efforts are counterproductive; significant reform of security forces, as well as greater inclusion of and cooperation with civil society, will be necessary to fully address the issue of harassment in the country. The targeting of civil society activists like Hassan and Soliman has drawn condemnation from local and international organizations as well as governments. Both the European Union and the United States have expressed concern as a result of the case, but the Egyptian government has been resistant to such criticism so far, and seems likely to continue, as evidenced by the continued asset freezes.

Recommendations

- 1 – The Egyptian government should undertake campaigns and initiatives to support and strengthen partnerships between civil society groups and relevant government bodies covering gender and sexuality, particularly on the issue of sexual harassment.
- 2 – Egyptian authorities must further existing efforts to encourage greater enforcement of laws against FGM, and ensure that those who are prosecuted serve their full sentences.
- 3 – The Egyptian judiciary must drop all charges against women's rights defenders and their organizations.
- 4 – The Egyptian government must cease targeted harassment of the LGBT community in Egypt, particularly through the use of social media.
- 5 – International partners should encourage greater funding for programming aimed at reducing the prevalence of FGM and encouraging the enforcement of existing laws.

¹ World Economic Forum, Egypt Country Profile in "The World Gender Gap Report 2016," October 25, 2016, <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=EGY>.

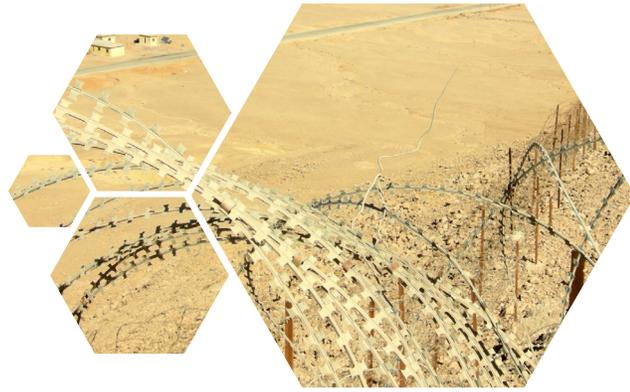
² Saurav Jung Thapa, "LGBTQ Egypt Today: Survival in the Face of Persecution and Mass Incarceration," Human Rights Campaign Global Spotlight, December 2016, http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/GlobalSpotlight-Egypt-December_2016.pdf.

³ N. Shamni and I. Razafimbahiny, "Sexual Harassment On The Rise In Egypt," Middle East Media Research Institute, February 28, 2013, <https://www.memri.org/reports/sexual-harassment-rise-egypt>.

⁴ Egyptian Ministry of Health and Population, El-Zanaty and Associates, and the DHS Program of ICF International, "Egypt Health Issues Survey 2015," October 2015, <https://dhsprogram.com/pubs/pdf/FR313/FR313.pdf>.

Image, page 33: Katie Hunt, "Nubian Women," Flickr, 2010, <https://www.flickr.com/photos/scubagirl66/5137400280/>.

SECURITY



Developments

Reported acts of terrorism remained high throughout 2016, with 795 incidents reported across Egypt over the course of the year.¹ Approximately 84 percent of activity, or 664 incidents, was reported in North Sinai governorate alone, and the remaining 131 incidents were reported across the rest of Egypt, including one incident in South Sinai. At least 560 fatalities were reported across Egypt in the past year—of those, 370 were security personnel and 149 were civilians—along with 690 wounded.

Wilayat Sinai, which operates almost exclusively in the northern part of the Sinai Peninsula, claimed 62 percent of attacks in North Sinai governorate. Wilayat Sinai's preferred weapon in 2016 was explosives, with 55 percent of their claimed activity employing either IEDs or car bombs (on par with the 56 percent of Wilayat Sinai's claimed attacks in 2015). Attacks across North Sinai claimed the lives of 317 security personnel and 117 civilians; of those, 207 security personnel and 30 civilians were killed in attacks claimed by Wilayat Sinai. In early 2016, the coordinated release of 14 videos from the various provinces of the Islamic State gained the Sinai branch a great deal of attention, though the impact the videos had on Wilayat Sinai's operations is unclear.

Trends in Terrorist Activity

August marked the beginning of an unprecedented wave of kidnappings in North Sinai, with at least 30 abductions reported between August and December 2016; although Wilayat Sinai officially claimed only two, the kidnappings may reflect the group's response to a more rigorous intelligence collection effort on the part of the state.

Mainland Egypt saw an 80 percent decrease in terror attacks in 2016, compared to the previous year. One hundred and thirty incidents were reported outside Sinai in 2016, with 82 percent of activity claimed by organized groups. These attacks claimed the lives of 53 security personnel and 32 civilians. IEDs and car bombs represented only 22 percent of attacks reported across the mainland; another 25 percent reported use of firearms, while around 50 percent had no weapon specified. One of the most notable incidents was the December 11 suicide attack at St. Peter and St. Paul Coptic Orthodox Church in downtown Cairo, which killed 28 people and wounded more than 50.²

New Groups

Three new groups emerged during 2016, including Jibhat al-Tahrir (which claimed a single attack in June and then went dormant), Hasam, and Liwaa al-Thawra. The latter groups, which, based on their statements, appear to be connected, have attempted a number of high-level assassinations, including

GENERAL OVERVIEW JAN 2016 - JAN 2017

**Alleged Terrorists
Arrested: 173**

**Alleged Terrorists
Killed: 533**

**Terror Attacks
Reported: 795**

Hasam's unsuccessful attempts on the former Grand Mufti of Egypt, Ali Gomaa, and Assistant Prosecutor-General Zakaria Abdel Aziz Ahmed and Liwaa al-Thawra's successful attempt on Brigadier General Adel Ragaei. The Revolutionary Punishment, a member of the Allied Popular Resistance Movement, was active only in January; APRM member Popular Resistance Movement, while claiming 75 attacks between January and April, fell silent in the last two quarters of 2016. The Islamic State in Egypt, the Islamic State's affiliate in mainland Egypt (which appears to be separate from the Sinai

branch), claimed 10 attacks between January and June 2016 and then went offline until the St. Peter and St. Paul Church bombing—one of the most high-profile and overtly sectarian attacks in Egypt’s recent history.

State Response

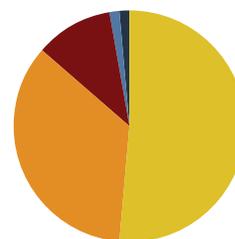
Public prosecutors in January 2017 referred 304 people to military prosecutors on charges of belonging to Hasam. One hundred and forty-four people were initially arrested, including former Minister of State for Local Development Muhammad Ali Beshr. Prosecutors also ordered the arrest of nine people on charges of involvement in the December 2016 church bombing, but legal proceedings for the accused are not yet underway. Only four days after the attack, on December 15, Egypt’s prison authority executed Adel Habara, who in September 2015 had been sentenced to death for his part in the high-profile Second Rafah Massacre case.³ Another notable development came in March, nine months after the assassination of Prosecutor-General Hisham Barakat, when the interior ministry released a statement that implicated the Muslim Brotherhood and the Gaza-based Hamas in the attack along with videotaped confessions of four young men who allegedly had a hand in the assassination. The health minister under Muhammad Morsi was notably among the accused. Public prosecutors have postponed their hearings a number of times since March; 67 people, 51 of whom are actually in custody, are being tried.

While Egypt’s counter-terrorism campaign continued over the past year, official reporting on operations decreased significantly compared to 2015. According to statements from the military spokesman and the Ministry of Interior, security forces arrested 173 “terrorists” and killed 533 throughout 2016, compared to 11,771 arrests and 1,595 kills in 2015. Operations in North Sinai reportedly claimed a number of high-level killings. On August 4, the military claimed to have killed the leader of Wilayat Sinai, Abu Duaa al-Ansary, and 45 of his deputies, but the group did not acknowledge his death for nearly four months

Despite dwindling reports of activity, the state saw a number of other security developments. Parliament earlier this year passed a five-year extension granting continuation of military jurisdiction over vaguely defined “vital institutions” of the state. And after the December church bombing, there was a similar push to expedite the transfer of terrorism suspects—again, vaguely defined—to military courts, though this has not yet been legislated. Following a spate of incidents of policemen shooting civilians, including fatal incidents in Darb al-Ahmar and Rehab City, the interior ministry made adjustments to its firearms protocol for policemen—including that low-ranking personnel hand in their weapons while on leave or vacationing—but these adjustments were relatively minor. Members of parliament proposed in March to amend the police law to curtail human rights abuses, and a package of amendments to the Police Authority Law passed in August.

The armed forces spokesman announced in December the appointment of new commanders of the Navy and Air Defense Forces—Ahmed Khaled Hassan Saeed and Fahmy Mohamed Ali Fahmy, respectively—marking the military’s most high-profile leadership shuffle in 2016. Joining the new military commanders, Colonel Tamer Mahmoud al-Refaei was appointed as the new army spokesman.

The United States continued its security cooperation with the Egyptian military throughout 2016; a number of high-level congressional and military delegations visited Egypt throughout the year to discuss



CLAIMED ACTS OF TERRORISM IN 2016 (795 reported incidents)

409 Islamic State in Sinai

279 Unclaimed

87 Popular Resistance Movement

11 Wilayat Egypt

9 Hasam

2 Liwaa al-Thawra

2 Revolutionary Punishment

1 Jabhat al-Tahrir

SECURITY

counterterrorism efforts and other security concerns. In April, the United States shifted more than 100 U.S. soldiers deployed as part of the Multinational Force of Observers (MFO) from North Sinai to a more secure area in South Sinai. The move came amid broader reviews of the possibility of replacing some of the 700 U.S. soldiers in the MFO with remote monitoring systems due to increased security concerns.

Background

While Egypt has witnessed protracted political violence since the July 2013 ouster of President Muhammad Morsi, the phenomenon is hardly new. Throughout the 1990s, anonymous actors as well as members of the

Gama'a al-Islamiya and Egyptian Islamic Jihad, carried out numerous attacks, notably the 1997 attack in Luxor that killed 58 tourists and four Egyptians. Development efforts and rejection of violence made the 2000s a relatively calmer period, though a number of large-scale attacks on the Red Sea left hundreds either dead or wounded. The state responded strongly to the violence, imprisoning Islamists, cracking down even further on the Muslim Brotherhood, and implementing other repressive social measures.

Following the January 25 Revolution in 2011 that unseated the long-reigning Hosni Mubarak, spontaneous demonstrations, sit-ins, and strikes became common and frequently lead to violent confrontations between protesters and security forces. Even after the ouster of Mubarak, the state employed strong-handed tactics when dealing with protesters, cultivating an enduring sense of injustice and distrust that would be used as justification for future acts of violence. Examples include the events at Maspero in October 2011, Mohamed Mahmoud Street in November 2011, and the Presidential Palace in December 2012.

After Morsi's ouster two-and-a-half years later, Egypt was upended by a spike in more organized violence. Fueled by the transgressions of the state and taking two distinctive forms—including a full-fledged insurgency in northern Sinai and sporadic acts of terrorism across the mainland—post-2013 instability left dead many hundreds of security personnel and civilians. Between July 2013 and December 2015, there were 1,867 acts of terrorism reported across Egypt and more than 1,200 fatalities. Egypt's most capable group, Ansar Bayt al-Maqdis, an al-Qaeda affiliate that carried out dozens of attacks mainly targeting Egypt's gas infrastructure in Sinai, pledged fealty to the Islamic State in November 2014, becoming the Islamic State in Sinai, or Wilayat Sinai. The organization grew more sophisticated and deadly under guidance from the Islamic State, gradually adapting its tactics to the government's counter-terrorism strategy.

In the mainland (i.e., outside the Sinai Peninsula), other groups began to organize. Ajnad Misr, a jihadi group also loosely affiliated with al-Qaeda; the (Allied) Popular Resistance Movement, a coalition of groups including the Revolutionary Punishment and the Popular Resistance Movement that sought vengeance on security forces; and the Islamic State in Egypt, separate from the Sinai branch, all claimed activity between 2013 and 2015. An explosion of anonymously perpetrated violence across the mainland in early 2015 targeted Egypt's security personnel, commercial and economic interests, and vulnerable critical infrastructure, but subsided later that summer.

After the June 30 protests against Morsi, then-Defense Minister Abdel-Fattah El Sisi pushed for a

- In August, the Egyptian military killed Wilayat Sinai leader Abu Duaa al-Ansary and 45 deputies in North Sinai. The group confirmed his death in December.

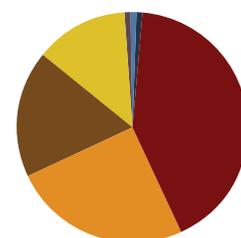
popular mandate to fight terrorism. “Terrorism” came to indicate any anti-state activity or sentiment, particularly from the Muslim Brotherhood. In Sinai, the military began a protracted counter-terrorism campaign against militants, which culminated in mid-2015 with the massive Operation Martyr’s Right that saw hundreds reported killed in a matter of weeks. According to official reports, there were some 1,500 operations across Egypt, and 1,750 militants killed, between Morsi’s ouster and the end of 2015. Reported operations waned significantly after that period and continue to decline.

Analysis

There are several challenges in accurately assessing the effectiveness of counter-terror strategies in Egypt, given the opacity of involved actors and the limited amounts of information that exist. Much of the fog is due to the state’s aggressive endeavor to control the overarching security narrative, mainly through the many media-silencing measures that it has put into place over the past few years. While the relative decline in acts of terrorism across the mainland may indicate a successful counter-terrorism approach or that the sustained insurgency in Sinai—which has continued relentlessly, even in the face of enormous military resistance—translates to the state’s failure, other factors must be considered.

Particularly in Sinai, where the population has historically been socially, economically, and geographically marginalized, there are a number of underlying grievances that should also factor into any “successful” military campaign. While obviously not including the state’s opaque kinetic activity, almost no meaningful gestures have been made toward addressing the root causes of Sinai residents’ plight, or indeed to mitigate the harm of counter-terror operations. Slash-and-burn tactics, round-the-clock curfews and martial law, rolling blackouts, and unimplemented development projects continue to aggravate local tensions. Even if the military is in fact defeating “terrorists”—as previous numbers, if correct, would indicate—the fact that attacks continue indicate that Sinai groups are able to replenish lost rank-and-file from among the Sinai residents that continue to view the state, particularly the Armed Forces, as the enemy.

Amid conversations in U.S. policy circles concerning human rights violations and foreign military assistance, Egypt has continued to diversify its arms acquisitions. While the United States delivered at least a portion of the 762 mine-resistant ambush-protected (MRAP) vehicles that it sold to Cairo between May and September 2016, Egypt also received two *Mistral*-class helicopter carriers from France and a Type 209/1400 submarine from Germany in December 2016.



**SINAI PROVINCE
WEAPONS CHOICE**
54% IED
32% Rockets & Missiles
23% Firearm
17% Unspecified
1% Knife
1% Mortar
<1% VBIED

SECURITY

Recommendations

- 1 – Egyptian authorities must adopt a holistic counterinsurgency approach in Sinai that includes implementation of stated development goals and infrastructure projects.
- 2 – The Egyptian government should avoid the indiscriminate use of the “terrorism” label, which dilutes the gravity of terrorist acts when conflated with criminality and nonviolent political action.
- 3 – The Egyptian government must lift repressive restrictions on the media, reform the overly broad counter-terrorism law, and enable greater access by observers to counter-terrorism operations and strategy to encourage informed debate of policy by media, academics, and others.
- 4 – The Egyptian government should conduct thorough and transparent investigations into all reported terror attacks and allegations of unjustified violence by state actors, allowing public examination of evidence against accused parties and ensuring that due process is followed to guarantee defendants’ rights.”
- 5 – The Egyptian government should undertake a program of security sector reform focused on increasing professionalization and training of its military and police forces in order to enable them to more adequately protect Egyptians from security threats.
- 6 – The Egyptian military should take steps to ensure that its equipment and structure are suitable for counter-insurgency and counter-terror operations, not only conventional warfare.
- 7 – The Egyptian military budget and arms purchases should be transparent, and the armed forces should submit themselves to meaningful parliamentary oversight on fiscal and operational matters.

¹ TIMEP defines an act of terrorism as a fully executed action that entails premeditated violence carried out for political ends. TIMEP’s Egypt Security Watch tracks terrorism and counter-terrorism trends across Egypt and reports them in the Egypt Security Watch Quarterly Report.

² Tahrir Institute for Middle East Policy, “Special Briefing: 27 Killed in Bombing at Chapel near St. Mark’s Cathedral,” updated on January 31, 2017, <https://timep.org/wp-content/uploads/2016/12/SpecialBriefing-CathedralBombing.pdf>.

³ On August 19, 2013, militants killed 25 central security forces recruits and injured three during an ambush on two minivans in Rafah. Image, page 36: Mark A. Wilson, “EgyptIsraelBorderEilat,” Wikimedia, 2008, <https://commons.wikimedia.org/wiki/File:EgyptIsraelBorderEilat.jpg>.

ECONOMY



Developments

Throughout 2016, the underlying, ongoing story of Egypt's economy has been the value of the pound. Early in the year, the spread between the pound's official and unofficial value against the dollar and other currencies widened, leading to a shortage of currency that hampered businesses for most of the year. After hinting at devaluation for over six months, the central bank eventually instated a full floatation in November. Since being unpegged, the pound has lost more than half of its value against the dollar. The decision to remove the set exchange rate has all but wiped out the black market for currency, and was widely hailed as a necessary step by international observers. Inflation—a problem for several years—reached 24 percent in December, and shortages of consumer and imported goods were widespread.

Sugar, which is subject to a bevy of subsidies and price controls from planting the crop to the sale of refined sugar, disappeared from store shelves, leading the government to impound sugar from factories for Twinkies and Pepsi. Pharmacies and hospitals had difficulty keeping medicines in stock, and there have been movements to raise the prices of drugs significantly. The military announced it would run the production and distribution of baby formula in response to shortages. The government imposed high tariffs on a number of items in February; these tariffs were described as targeting luxury goods, but covered some food and personal care items as well as luxury goods.

In an attempt to keep pace with rising costs, the government raised prices on a number of subsidized and price-controlled items. The government raised fuel prices in November 2016, just after the floatation of the pound, increasing the price of petrol and household butane by 40 percent on average. The government aims to reduce the petroleum subsidy bill by 43.5 percent, down to 35 billion Egyptian pounds (LE), and the electricity bill by 6.4 percent to LE29 billion—thus reducing the total subsidy bill by 14 percent (and even more in real terms) to LE130.1 billion in the upcoming 2016-2017 fiscal year. In addition, the government passed a law approving a value-added tax (VAT) in September, and set it at 13 percent for the current fiscal year, and 14 percent for the next.

Growth continued to slowly recover from its low of 1.8 percent in 2011, estimated by the Fitch rating agency to be at 3.2 percent in fiscal year 2015-16. The government has announced it aims to reach a GDP growth rate of 5 percent, an unemployment rate of 11 percent, and a debt ratio of 94 percent, which economists find difficult to achieve. Unemployment stands at 12.8 percent, a problem exacerbated for particular groups: women's unemployment reached 25 percent and youth unemployment a staggering 37.3 percent. However, the implementation of this tax has been delayed for at least five months at the time of writing as the government decides on the parameters of the law.

Tourism continued to decline, due primarily to security concerns. In the first half of 2016, Egypt welcomed less than half the tourists it had in the previous year, 2.3 million compared to 4.8 million in 2015. There were glimmers of hope for a possible turnaround: By the end

● In the first half of 2016, Egypt welcomed less than half the tourists it had in the previous year, 2.3 Million compared to 4.8 Million in 2015.

World
Economic
Forum



EGYPT:
73
out of
79

ECONOMY

of 2016, all European Union countries that had instituted a ban on their national airlines flying to Sinai destinations had lifted those restrictions, except for the United Kingdom.

Government debt has been a major issue, at 90.3 percent of GDP. With its Gulf benefactors reeling from low oil prices, in 2015 the Egyptian government sought a \$3 billion loan from the World Bank. Egypt received the first two tranches of \$1 billion in 2016, one in September and one in December.

In August, the IMF mission to Egypt reached a staff-level agreement to provide the country with a \$12 billion loan; the IMF board, however, only approved the agreement on November 11, after the currency flotation and the increase of energy prices. Details of the agreement remain private, and the IMF has largely failed to engage the Egyptian public and nonprofit sector, unlike in previous rounds of negotiations. However, the end goals of the agreement include reducing government debt as share of GDP by nearly 10 percentage points in three years and implementing additional structural reforms. Egypt has also been raising external financing from a number of other sources, including the Gulf Cooperation Council (despite worsening relations with several countries in that grouping), China (a currency swap worth around \$2.6 billion), Russia, the African Development Bank, and a consortium of international banks (a loan worth \$2 billion). The liberalization of the pound has attracted renewed portfolio inflows. Egypt's stock of international reserves climbed to \$23.1 billion at the end of November, from a low of \$15.6 billion in July. Reserve levels are just above four months of current external payments, a ratio that had been less than three in 2012-15.

Background

The January 25 Revolution reflected the collapse of the implicit social contract the Egyptian state had forged with its citizens, in which the latter had traded their political rights for a basic livelihood. The government relied on economic devices, including subsidized energy, transportation, and essential foodstuffs, to walk this tightrope. While the people's frustrations boiled over in 2011 due to a number of political demands, living conditions were a primary concern of the protesters, as reflected in the common chant, "Bread, freedom, and social justice!"

The liberalization agenda of the 1990s and 2000s privatization of some state-owned enterprises, devaluation of the Egyptian pound produced growth, but its speed, cronyism, and scant attention to economic and social inclusion generated social discontent. Youth unemployment grew, and inflation depressed purchasing power. The 2011 revolution was preceded by growing labor activism and numerous strikes among unskilled workers, especially from 2006 onward, leading up to calls for a general strike in April 2008. Workers in large state-owned factories participated in around 60 large-scale strikes in the final days of Mubarak's reign, and strikes continued even afterward.

Since 2011, the economy has primarily been run with a short-term outlook, with the executive power legislating in the absence of a parliament for four out of the six years since. The first post-revolution government, under the leadership of the Supreme Council of the Armed Forces (SCAF), rejected a standby loan package from the International Monetary Fund with excellent terms geared toward economic reforms, favoring instead short-term measures. The government of Muhammad Morsi, who took power in June 2012, followed a market-led economic policy leading to the creation of a new "businessmen's association"

with close ties to the government to capture business interests—a replication of the Mubarak years with different figures. The Egyptian pound lost 15 percent of its value against the U.S. dollar, ushering in imported inflation, most notably on food and fuel. An energy crisis precipitated Morsi's political demise, with electricity outages and fuel shortages a constant in the spring and summer of 2013.

After the July 2013 removal of Morsi, the administrations of Adly Mansour and Abdel-Fattah El Sisi came to power with an immediate stimulus package of \$12 billion in aid and loans from Saudi Arabia, the U.A.E., and Kuwait, a model that has continued since. Between 2013 and 2015, the Sisi government eschewed in-depth economic reforms in favor of investment policy development as well as a string of megaprojects, promising the development of 26 cities and tourist centers, along with plans for the development of the Suez Canal and surrounding area. An expansion of the canal was announced and completed within a year; however, the project has thus far fallen short of its goals, with Suez Canal returns having declined due to lower traffic. The government announced a new “administrative capital” for the country projected to cost \$45 billion, as well as massive investments in the northwestern city of Matrouh's port and beach resorts.

As the government was under increasing budgetary pressures, it undertook several legal economic reforms via presidential decree aimed at improving fiscal consolidation, improving public sector spending and debt management, promoting exports, and reducing inflation. The mounting cost of energy subsidies compelled the state to slash petroleum subsidies by a third in July 2014, and announce future electricity price hikes. The foreign currency shortage and a heavy dependency on imports compelled the government to continue the gradual depreciation of the pound, which fell by 11 percent in 2015.

Tourism, Egypt's main export, has declined since the revolution, and in 2015 suffered a major setback from an apparent terrorist attack against a Russian airliner flying from Sharm el-Sheikh to St. Petersburg. Smaller terrorist attacks, along with an incident where the government killed eight Mexican tourists and their Egyptian guides, have also suppressed tourism.

Analysis

Egypt is now entering the eye of its reform storm, and the only way out is forward. The government's reform plan shows no sign of abatement, and it cannot. As the government seeks to obtain the rest of the IMF loan, it will have to push ahead with reforms. While this is good news for local and international investors, and perhaps for the country in the long run, it will also entail additional hardship for the economically vulnerable.

Egypt's current economic policy remains characterized by high spending and rising debt, the latter being a leading source of concern for the long-term health the Egyptian economy. Foreign debt jumped from \$48.062 billion at the end of June 2015, to \$55.76 billion one year later—a 16 percent increase. And the rate of increase appears to be accelerating: By the first quarter of 2016-17, foreign debt had jumped to \$60.15 billion, a \$4.3 billion increase. By 2020-21, the IMF estimates foreign debt to reach \$102.4 billion, more than 25 percent of GDP; total domestic debt is due to reach 76 percent of GDP over the same period. The reliance on Gulf financing has proven, as predicted, to be unsustainable, particularly with souring political relations with lead donor Saudi Arabia. In

The
World
Bank

BASE OF DOING BUSINESS

EGYPT:
122 of
190 in
2017
126 of
190 in
2016

ECONOMY

2016-17, Egypt secured its \$35 billion funding debt through a series of loans, primarily from the IMF, the World Bank, the Chinese government, and Afreximbank. The foreign currency financing gap is projected to be lower in the coming years.

A January 2017 report by Bank of America Merrill Lynch pointed out that imports had declined by 30 percent year-on-year in November, which would help narrow the current deficit; however, growth will also likely slow down due to inflation, expected to reach 27 percent in April 2017, and fiscal consolidation.

The current administration's string of megaprojects has successfully boosted national morale but comes with dubious results and uncertain returns, along with concerns about the absence of an honest public debate around their impact, feasibility, and intergenerational costs. The main headline project is the development of a New Capital City, with an estimated price tag of \$45 billion for Phase I. Originally announced in March 2015 with Emirati support, the latter pulled out a year later, but the project was back on track after investment pledges of \$35 billion from two Chinese state-owned companies. A lack of transparency regarding land ownership and allocation, the awarding of government contracts, progress on signed agreements, or even fundamental objectives of the projects makes it difficult to assess the efficacy of these development schemes.

Despite large state expenditures, there is an insufficient emphasis on social equality and poverty alleviation, which bodes negatively for political stability. The 2015 Credit Suisse report on Global Wealth reports that the Egyptian middle class expanded between 2000 and 2007 but has shrunk by a full half since 2008, even as the upper class accumulates gains in wealth.³ The tourism industry will need time to recover, and is closely tied tightly to Egypt's success in combating terrorism. Government and industry efforts to promote tourism have not proven successful.

Repairing the Egyptian economy will take a number of far-reaching reforms. The public goodwill that the government currently enjoys offers a very limited window of opportunity to implement those by reining in public debt and inflation and pushing ahead with public sector reforms. Unfortunately, the present government, much like its predecessors, appears to prefer to kick the can down the road and finance its expenditures by debt, leaving the bill for future generations.

Recommendations

- 1 – The Egyptian government should maintain currency liberalization, despite likely domestic pressure in the face of inflation.
- 2 – The Egyptian government must ensure that internal constitutional and legal procedures are followed in economic decisions, including those agreements concluded with foreign countries and institutions.
- 3 – Regulatory barriers to establishing and expanding businesses should be reduced by the government to support entrepreneurs and grow a healthy class of small and medium enterprises.
- 4 – The social solidarity ministry should expand social support programs Karama and Takaful under benchmarks and cutoffs that accurately reflect the current economic situation, following in-depth population surveys to identify the most vulnerable elements of society.
- 5 – Government megaprojects should be submitted to the public for debate, with free and fair discussion around the projects' costs and revenues and publishing public and private feasibility studies.
- 6 – The Egyptian government must implement a public, transparent, and competitive bidding system for state-sponsored projects, while facilitating procurement by local small and medium enterprises.
- 7 – The Egyptian government should establish an efficient framework for regularizing informal work without affecting its capacity to absorb a part of the excess labor supply.
- 8 – International business partners should push for more transparency in Egypt's economic planning and a streamlined set of policies for businesses to encourage both domestic and foreign investment.
- 9 – International financial institutions and other lenders should consider impact of their loans and reform programs on all Egyptians, and use their leverage to promote healthy, sustainable development.

¹ Hisham Salah, "Does Egypt's economic targets line up with its economic reality?", Daily News Egypt, December 28 2016, www.daily-newsegypt.com/2016/12/28/egypts-economic-targets-line-economic-reality/.

² Anthony Shorrocks, Jim Davies, and Rodrigo Lluberas, "Global Wealth Report 2015," October 2015, <https://publications.credit-suisse.com/tasks/render/file/?fileID=F2425415-DCA7-80B8-EAD989AF9341D47E>.

Image, page 41: Francisco Anzola, "Midan Talaat Harb (Central Cairo)," Flickr, 2008, <https://www.flickr.com/photos/fran001/2347961902>.

A FRAGILE EGYPT IN A CHANGING WORLD: SIX YEARS AFTER THE REVOLUTION



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