

**COMMENTS BY THE COALITION OF  
INDEPENDENT EGYPTIAN HUMAN  
RIGHTS NON-GOVERNMENTAL  
ORGANIZATIONS (NGOs) ON THE  
EGYPTIAN GOVERNMENT REPORT  
FOR THE UN UNIVERSAL PERIODIC  
REVIEW (UPR)**

## **The problem is not a cultural one but a lack of political will**

Comments by the Coalition of Independent Egyptian Human Rights non-governmental (NGOs) on the Egyptian government report for the UN Universal Periodic Review mechanism

The Coalition of Egyptian human rights non-governmental organizations (NGOs), made up of independent Egyptian NGOs, regrets to state that the report submitted by the Egyptian government for the UN Universal Periodic Review does not reflect a serious desire to engage in a constructive dialogue designed to improve human rights in Egypt, which is the ultimate objective of the UPR mechanism. The report avoids addressing the real issues that have contributed to the deteriorating status of human rights compliance in Egypt, as documented previously by Egyptian and international human rights organizations, as well as by various UN agencies and special rapporteurs.

The report adopts an apologetic stance that attempts to justify human rights problems by pointing to the dangers of terrorism, the impact of the global financial crisis, and the absence of a culture of human rights. Thus, the report ignores the entire system of laws, policies, and practices that have fostered abuses and entrenched impunity for those responsible for them; in particular, the state of emergency in effect since 1981, which has obstructed various constitutional guarantees upholding civil rights and liberties. At the same time, the sovereignty of the law has been eroded, undermining the proper functioning of state institutions and agencies and the components of a nation of laws.

Under the state of emergency, the role of the security apparatus has inflated in all areas of public life such that it has the final say in the affairs of political, civic, educational, religious, and media institutions. In tandem, crimes of torture and the use of excessive force have also increased, whether during the pursuit of criminal suspects, the repression of peaceful assemblies, or the arrest and even killing of illegal migrants attempting to cross the Egyptian border. Court orders and rulings are neither respected nor implemented, and the Egyptian authorities have adopted a broad array of laws and statutes that criminalize or restrict the right to independent political, partisan, civic, and labor organization. In addition, enormous legal limitations have been established to circumscribe the freedom of expression, the media, and peaceful assembly. Moreover, several bills that are even more restrictive are currently making their way through parliament where they will undoubtedly be passed due to the ruling party's control of 80 percent of seats in the house.

The regrettable state of human rights has been exacerbated in recent years as the regime, faced with declining political legitimacy, has made an increasingly cynical use of religion as a tool to achieve political ends. This has been accompanied by the maintenance of several laws, policies, and practices that cement discrimination on the basis of religion and faith, particularly against Egyptian Copts and Baha'is. The security apparatus harasses citizens on the basis of their religious beliefs, even Muslims who hold to schools of thought that may conflict with the official interpretation of Islam. Security forces have also raided the homes of Copts suspected of holding private worship services in villages without churches. In such a climate where official policies continue to stoke religious bigotry, which is manifested in the

growing sectarian violence that has become more frequent and has expanded geographically, talk of the lack of a human rights culture has no meaning.

### **Constitutional setback**

In its attempt to put a positive spin on the state's performance in the realm of human rights, the government's report falsified the facts in numerous instances. For example, in its discussion of constitutional protections for human rights and liberties, it studiously avoided noting that these protections are often undermined by legal statutes that explicitly restrict them. Even the constitution itself contains provisions that act to annul protections contained in other articles. For example, constitutional guarantees for equal citizenship and non-discrimination are contradicted by Article 2 of the document, which states that Islamic law is the primary source of national legislation. This article allows the advancement of militant legal interpretations of Islam that institutionalize legal restrictions to women's right to equality and non-discrimination and circumscribe freedom of expression, creativity, thought, belief, and academic freedom. Citing insults to Islam, the defamation of religion, or violations of Islamic law, literary, artistic, and intellectual works have been confiscated and banned. At the same time, official institutions, such as the Ministry of Awqaf and al-Azhar, invest public funds in the publication and distribution of books that incite the defamation of other religions and justify the killing of and/or abuse of property owned by followers of those religions. The result can be seen in the latest round of sectarian bloodshed that took place in January 2010 in Naga Hamadi in Upper Egypt.

While the government report boasts of amendments to 34 constitutional articles, it wholly ignores the fact that these amendments constitute the worst constitutional backslide seen in 50 years. The amendments removed guarantees of judicial oversight of public elections and gave the ruling party the power to choose its competitors in presidential elections, thus making the elections more akin to a referendum on the ruling party's candidate for the position, particularly given the severe restrictions on the right of independents to stand for office. Citing the need to combat terrorism, the amendments legitimized the suspension and violation of constitutional protections of personal freedom and security, the sanctity of one's home, and privacy. They also gave constitutional status to the circumscription of the regular judiciary, allowing the creation of a permanent, parallel court system to try cases that the authorities deem unsuitable for the regular court system.

The revised version of Article 179 of the constitution renders the government's pledge to issue a balanced counterterrorism law meaningless insofar as it paves the way for the integration of exceptional security prerogatives into the counterterrorism law, which will make the "temporary" provisions of emergency law a permanent feature of the Egyptian legal system.

### **Use of the emergency law against opponents**

The government's report claims that the exceptional prerogatives granted by the state of emergency are deployed only against terrorism and drug crimes. However, reports from rights organizations have documented the increasing use of these provisions to confront various forms of political and social ferment and narrow the range of freedom of expression, particularly against internet activists, who have been targets of abduction, administrative detention, and enforced disappearance. In its discussion of the independence of the judiciary and due process, the report neglects to

mention the exceptional court system established by the emergency law. The decisions of the Emergency State Security courts cannot be appealed, and the president has the right to intervene to alter the verdict or sentence, or order a retrial. In addition, military courts have been repeatedly used to try civilians, which is a violation of their right to be tried before their natural judge.

While the government's report highlights very limited developments, such as the suspension of imprisonment terms for some press and publication crimes, it does not mention that these punishments continue to hang over journalists and opinion makers in more than 30 other articles in the Penal Code, in the publications law, and in other statutes regulating the flow of information that still prescribe prison terms for press and publication crimes. While the report justifies the state's failure to abolish these provisions by pointing to the need for a "public" debate, it ignores the fact that journalists and rights organizations have approved bills over the past 15 years that would abolish these freedom-depriving punishments and prohibit their use to repress freedom of expression whereas the executive authority and the People's Assembly, both dominated by the ruling party, have turned their backs on these same bills.

### **The tactic of "voluntary pledges"**

Many of the voluntary pledges contained in the report are in fact commitments that the Egyptian government is obligated to keep. For example, a comprehensive review of Egyptian laws related to human rights cannot be viewed as a "voluntary" initiative undertaken by the government, but is rather a step that has been incumbent on the state for the past 25 years, since it joined the Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights. Despite making this pledge, for a quarter of a century the state has not responded to repeated calls from UN agencies and local and international human rights groups to meet its responsibilities in this regard. The same is true of the government's pledge to review the definition of torture in Egyptian law to make it in line with the definition of this crime as found in the Convention Against Torture, which Egypt joined in 1989.

Moreover, the promise to issue certain new laws is no cause for optimism, but rather an issue that raises further concerns. For example, the amendments that the government has promised to bring to the NGO law maintain provisions allowing administrative and security oversight of the establishment and dissolution of civic organizations, intervention in their internal bylaws and structures, objections to the list of founders or board members, regulation of sources of funding, and objections to the decisions of the elected board or general assembly of the organization. Indeed, the amendments will give the General Federation of Associations, an agency controlled by the government as the chair and one-third of board members are appointed by the president, additional prerogatives in the funding, establishment, dissolution, and regulation of NGOs.

The government's promise to issue a "balanced" counterterrorism law is also a cause for profound skepticism. The UN special rapporteur on the promotion and protection of human rights while countering terrorism has stated that the most recent relevant constitutional amendment may allow for human rights abuses inherited from the emergency law, and he cautioned against using the impending counterterrorism law to target human rights organizations and dissident political groups or restrict freedom of opinion and expression.<sup>1</sup>

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<sup>1</sup> <[http://www2.ohchr.org/english/issues/terrorism/rapporteur/docs/A\\_HRC\\_13\\_37\\_Add2.doc](http://www2.ohchr.org/english/issues/terrorism/rapporteur/docs/A_HRC_13_37_Add2.doc)>.

As for pledges to intensify human rights education and curricula and improve human-rights capacity-building programs, which often serve to lecture and train apologists for human rights abuses and those inimical to Egyptian and international human rights organizations, we must reiterate that the persistent decline in the status of human rights in Egypt is not the product of some cultural or social resistance to human rights as the government attempts to portray it. Instead, it is due to the absence of the necessary political will on the part of state agencies to forgo policies and practices that are inimical to human rights, adopt serious reform programs that promote human rights, and provide a suitable climate for the dissemination of a culture of human rights in all fields of life.

The Egyptian government's human rights record over several decades is an ongoing series of pledges, followed by the failure to keep them, and further empty promises made to avoid accountability and give a pretty face to an ugly reality. The apologetic tone of the report, as well as its refusal to engage with the real problems that plague human rights observance in Egypt, in and of itself confirms the absence of the serious political will needed to improve the human rights situation in the country.

#### List of the Coalition of the Independent Egyptian Human Rights non-governmental organizations (NGOs)

1. CIHRS (The Cairo Institute for Human Rights Studies), Cairo, Egypt;
2. Al Nadeem Centre (Al-Nadim Center for Treatment and Psychological Rehabilitation for Victims of Violence);
3. Andalusitas (Andalus) Institute for Tolerance and Anti-Violence Studies);
4. APRO(Arab Penal Reform Organization);
5. AHRLA (Association for Human Rights Legal Aid);
6. GHRLA (The Group for Human Rights Legal Aid);
7. HMLC (Hesham Moubarak Law Center);
8. LCHR (Land Center for Human Rights);
9. NWRC (New Woman Research Center);
10. ANHRI (The Arabic Network for Human Rights Information);
11. CTUWS (The Center for Trade Union and Workers' Services),;
12. EACPE (The Egyptian Association for Community Participation Enhancement);
13. EIPR (Egyptian Initiative for Personal Rights);
14. HRCAP (The Human Rights Center for the Assistance of Prisoners);
15. AFTE (Association for Freedom of Thought and Expression);
16. ECESR (The Egyptian Center For Economic and Social Rights);