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Civic Space Monitor

National Reports on Civic Space 2022



Egypt

New Spaces and Traditional Strategies



Egypt

New Spaces and Traditional Strategies



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Introduction

At the end of 2021, one year after the regime in Egypt expressed its intention to improve the conditions of civil society, many observers noted that this improvement process began to take shape in the middle of 2022. Some cases were closed, and the executive regulations of the Law on Associations were issued after being suspended for more than two years. At the end of summer, a human rights strategy was adopted in Egypt, after which several detainees were released, and the cases of others were referred to courts. These developments signaled that the status of human rights and civil society would improve in the upcoming year. However, there are some negative indicators revealing attempts at subverting this process, such as the quick issuance of harsh sentences against the detainees referred to courts, the persisting restrictions on the freedom of expression, and the delays in rectifying the status of civil society organizations.

Almost eight years after closing space for the civil society following the events of January 2013, the civil society in Egypt faced yet another challenge of a different kind in the past three years. The Covid-19 pandemic imposed restrictions on civil society around the world, rendering them almost absent from the civic space. According to Foreign Policy magazine,¹ many analysts predict that “this pandemic will have enormous repercussions on democracy, freedom of information, and transparency, and that states will become more repressive when the pandemic comes to an end.” For example,

Stephen Walt, a professor of international relations at Harvard University, and John Ikenberry, a professor of international affairs at Princeton University, believe that “Covid-19 will create a world that is less open, less prosperous, and less free. The pandemic will strengthen the state and reinforce nationalism. Governments of all types will adopt emergency measures to manage the crisis, and many will be loath to relinquish these new powers when the crisis is over.”

According to the author of this report, charitable initiatives to support those affected with Covid-19 cannot be seen as an indicator or proof of the revitalization of civil society if such initiatives are restricted in terms of their scope and objectives and do not include any other dimensions. Thus, there is clear and strong interlinkage between the development of civil society and the spaces available for civic movement in public life. Due to the transformations that took place in Egypt from 2014 to 2022, the dialectical relationship between the civil and the democratic became one-sided, as civil society’s activities became dependent on the spaces available, and its ability to influence such spaces became very limited.

By mid-2022, the Presidential Pardon Committee was activated. Civil society organizations sought to engage in this process by developing proposals to control the work of this committee and setting the criteria for the release of politicians and prisoners of conscience, within the framework of the President’s call for a national dialogue in

which civil society is supposed to take part. In this regard, Hossam Bahgat, the director of the Egyptian Initiative for Personal Rights, posted on his Facebook page that, “since the end of last April, and over the course of six months, the negotiation process began, along with the examination of the cases of convicts imprisoned on political charges. Since then, about 800 prisoners have been released, according to our sources (members of the Pardon Committee stated that 1,040 prisoners were released, but since they did not publish the names of those who were released, it is difficult to determine which of these two numbers is more accurate, despite their proximity).”²

However, not all of these cases have been settled, and with every two steps forward, there has been one step back, rendering the progress slow and tentative. Nonetheless, this year witnessed significant openness, with key figures of the Egyptian opposition reappearing on Egyptian media outlets and many writers resuming their work with newspapers that had refused to work with them for years. Meanwhile, repressive practices against civil society and activists persisted, including the blocking of new websites such as “Al-Manassa” and the re-arrest of released detainees like political activist Sherif Al Rouby.

At the economic level, the repercussions of Covid-19 were most severe in emerging economies. Income loss due to the pandemic not only exposed these economies’ pre-existing fragility, but they also exacerbated the situation. With the spread of the pandemic in 2020, it became evident that a

large part of the household and corporate sectors were not equipped to withstand such a severe loss of income over a long period of time. Studies based on pre-crisis data indicate that more than 50% of households in emerging and developed economies could not maintain the same levels of basic consumption for more than three months after income loss. Similarly, cash reserves of medium-sized companies covered less than 55 days of expenses. A large part of the household and corporate sectors in emerging economies were already saddled with high levels of unsustainable debt before the crisis hit, and they struggled to settle these debts when the pandemic, and the public health measures taken in response, sharply reduced household income and corporate revenue.³ This situation prompted the state to seek an outlet for society and to improve its image internationally in order to continue borrowing.⁴ In 2022 – the year of recovery from the pandemic in Egypt – new laws were enacted and several decisions were issued restricting the activities of society under the pretext of responding to Covid-19, such as closing shops and prohibiting gatherings.

At the same time, preparations were underway for the Climate Change Conference “COP 27” held in November in Sharm El-Sheikh. International civil society sought to intensively participate in the Summit, which gave Egyptian civil society an opportunity to act, especially since the regime was forced to loosen restrictions on public spaces due to international and economic pressures.

Eight years after the full closure of the public sphere in Egypt, there was an opportunity

to reinvigorate its role and change its relationship with the public sphere into a mutual one, where each party can influence the other. This is the challenge that civil society in Egypt will face in the coming period.

In this context, the National Report on Civic Space in Egypt addresses the controversy over the public sphere and civic space in Egypt, the mutual influence between them, and the ability of civil society organizations to use the spaces available to it in order to evolve and expand this space by addressing a set of factors governing this relationship:

- Relationship with state institutions
- Freedom of association and activity
- Freedom of expression
- Freedom of information

This report covers the period from the beginning of 2022 until September 2022 (9 months).

The report also adopts the definition of civil society that includes civil organizations, trade unions, and cooperatives, but excludes informal organizations and movements for reasons related to context. It also includes political parties that fall within the political sphere, rather than the civic.

First: Developments Related to the Legislative Framework

No major developments took place at the legislative level relating to civil society in 2022. Despite the changes experienced in Egypt as mentioned above, the legal framework failed to keep up with societal practices and needs. The minor developments that took place this year merely fall under the same prevailing approach that “places civil society within the framework of the state's plan.”⁵ The same goes for freedom of opinion and expression.

In January 2022, the Ministry of Social Solidarity announced that the cabinet had approved a draft law amending some provisions of Law No. 149 of 2019 regulating the Exercise of Civil Work. The amendment extended the deadline for rectifying the status of civil society organizations for another year, starting from the date of expiry of the period stipulated in Article 2 of the Law of January 11, 2022, and expiring on January 11, 2023.⁶ It was later extended for another six months.⁷ In June 2022, the House of Representatives also discussed the possibility of rectifying the status of civil society organizations electronically.⁸

It should be noted that Law No. 149 of 2019 tightened the grip on organizations that adopt the human rights approach in their work, while simplifying procedures for organizations that adopt a charitable approach “in line with the state's plan.”⁹ In

addition to financial obstacles, sanctions, as well as government agencies' interference in the work of organizations, civil society and its activists continued to be suppressed under the Anti-Terrorism Law and its amendments.¹⁰ According to many international and local reports, the government continued arresting political activists, human rights lawyers, and workers in civil society organizations, accusing them of terrorism and holding them in pre-trial detention without referring them to courts.¹¹

At the level of freedom of expression, an important development took place in February as the Religious Committee of the House of Representatives approved, in principle, to make amendments to three articles of Presidential Decree of Law No. 51 of 2014, which regulates preaching and religious lessons in mosques and similar activities. The amendments limit the right to speak about religious issues to specialists who have licenses from Al-Azhar and the Ministry of Endowments. They also stipulate that anyone who violates this provision or what the amendments refer to as the "true religious teachings" or "incites sedition" will be imprisoned. The terms used in the amendments pave the way for targeting any religious views contrary to the official discourse, especially those broadcast on traditional media or published on social media.¹²

Similarly, the Ministry of Social Solidarity in Egypt issued a decision, on May 1st, banning the collection of cash or in-kind donations for the benefit of NGOs through the use of online platforms or social media, except after

applying for a permit stating the purpose of collecting the funds and the disbursement plan.¹³

As for the legal framework governing the freedom of information, it became a matter of public opinion once again as preparations for the national dialogue began, whether at the level of the dialogue itself or at the level of the Parliament. In the seminar on "Freedom of Opinion and Expression in the National Dialogue in Egypt" organized by the Arab Network for Digital Media and Human Rights via "Zoom", Alaa Shalaby, President of the Arab Organization for Human Rights and member of the National Council for Human Rights, stressed the importance of issuing a law on the freedom of information as a main requirement for regulating the exercise of press freedom, supporting individuals' access to accurate information, and limiting the spread of rumors, in addition to setting a framework for the list of sanctions for the media.¹⁴ During the preparation for the National Dialogue sessions, it became clear that many of those wishing to participate did not find the necessary information to prepare for these sessions. The undersecretary of the Human Rights Committee in the House of Representatives, Mohamed Abdel Aziz, pointed out this shortcoming, emphasizing the need to work on issuing a "Freedom of Information Law" that complies with the provisions of the Constitution and protects national security. He stated that "such a law would lead to the future development of Egypt and drive it forward in the field of investment and other areas, as powerful societies have strong access to information."¹⁵

Based on the above, the legislative framework failed to even keep up with the timid openness that Egypt witnessed amid the preparations for the National Dialogue. On the contrary, the minor decisions issued by ministries and the drafts submitted to Parliament are still highly restrictive. In practice, even with the enactment of laws stating that civil society actors are equal, the latter are, in fact, not treated equally, as there is a high degree of selectivity and discretion in the interpretation and implementation of these laws.

The State bureaucracy continued to play a role in delaying the registration of organizations that the State is discontent with. At the beginning of the year, many institutions failed to rectify their status, which is why some decided to shut down, such as the Arabic Network for Human Rights Information¹⁶ and the Madad Foundation for the Support of Culture and Arts, while others decided to continue their work in their current status, such as the Egyptian Initiative for Personal Rights.

Security agencies also continue to interfere directly in the affairs of civil society. The head of the union committee for the Suez Canal Authority clubs, Karam Abdel Halim, revealed, in an interview with Mada Masr, that the National Security Agency intervened and prevented him from running in the union elections after the relevant authority refused to affix its official seal one of the necessary candidacy documents.¹⁷ Official agencies also tightened their grip on Egyptian media. The Public Prosecution summoned Khaled El-

Balshy, chief editor of "Darb" news website affiliated with the Popular Alliance Party, and former member of Egypt's Press Syndicate, for interrogation more than once during the year. In addition, charges along the lines of joining a terrorist group, incitement, and dissemination of false news continue to be used against civil society activists and opinion leaders, such as journalist Hala Fahmy¹⁸ who was detained because she organized sit-ins at the Egyptian Television Network building to demand administrative reforms. This is also the case even for people who aren't involved in politics, as the Supreme State Security Prosecution renewed the detention of three young men for a period of fifteen days pending investigation several times, due to the spread of a short video clip of one of them singing inside a mosque in El Marg district in the Qalyubia Governorate.¹⁹

The only change was at the level of discourse and rhetoric, as the legislative authority aligned with the general atmosphere of the National Dialogue by softening its aggressive tone. On August 27, the Human Rights and Social Solidarity Committee at the Egyptian Senate issued a number of important parliamentary recommendations to the government in the light of its study of the economic and social development plan for the new fiscal year of 2022/2023 in the field of competence of the committee. These recommendations include: developing an action plan to expand partnerships with civil society and strengthen its capacity building, exercising governance of NGOs with tighter control over various aspects of funding, as well as increasing the value

of funding directed to civil society,²⁰ which correlates with the National Dialogue. In this regard, the Egyptian Initiative for Personal Rights described these recommendations as "selective improvements in the face of a legislative and executive structure that supports discrimination," which is an accurate description of the way the legislative authority deals with civil society.²¹

As for the judiciary, it is still generally reluctant to act. In 2022, the severity of judicial rulings was significantly reduced, but at the same time the judiciary did not take any steps to settle many of the pending cases. Although the National Dialogue represented an opportunity to resolve them, such as Case 173 that is still ongoing, despite dropping some names from the case. Moreover, some cases that were supposed to be resolved quickly are still pending. For example, the case related to the conditions of prisoners of conscience was delayed, and the sessions of the Senate and House of Representatives have not been broadcast digitally or on television; rather, they were only published in writing in the Official Gazette.²²

On the other hand, and in support of institutions operating within the framework of the "state's plan," the Ministry of Social Solidarity launched the "Forsa" program, which aims to build the capacity of associations and NGOs to manage economic empowerment projects.²³ The Ministry also launched several development campaigns in partnership with civil society organizations in the field of development, including the Egyptian Red Crescent's campaign in Halayeb

and Shalateen, which included a convoy of medical services and aid,²⁴ as well as its rapid intervention teams in support of the homeless.²⁵

In light of the economic crisis, the state's desire to exploit the resources of charitable associations for the benefit of its programs became evident. For instance, the Minister of Social Solidarity emphasized the importance of social protection and called for the cooperation of the "Ministry with civil society" in bearing the costs of social protection, which amount to EGP 8.5 billion on the part of the State's public treasury, and EGP 2.4 billion on the part of organizations of the National Alliance for Civil Development Work.²⁶ As for the solidarity and dignity program "Takaful and Karama," President Sisi aimed to reach one million new families through the program, at an annual cost of EGP 5.4 billion, of which EGP 3 billion is to be paid by the State Treasury, and EGP 2.4 billion by civil society organizations.²⁷ The primary focus of this cooperation was the charitable dimension, especially during the month of Ramadan²⁸ and Eid al-Adha.²⁹

Based on the above, it seems that most state institutions are hesitant to change the prevailing pattern in dealing with civil society. The national dialogue points in one direction while the practices of security agencies point in another. This clearly indicates the narrow public space available and the complete obedience of actors in the political arena to the head of state. Nevertheless, it can be said that 2022 provided a wider margin of action for civil society, especially due to the state of reluctance described above.

Second: Analyzing the Status of Civil Society

Civil society organizations reacted very differently to this new situation. Some seized the opportunity to join the ranks of institutions working “within the framework of the state's plan,” while others attempted to make use of the newly available spaces to take steps that would open up further horizons for civil action.

A group of organizations saw an opportunity to show their obedience and loyalty to the state. Thus, a document was issued and signed by a group of development and charity organizations, including CARE International Egypt, to establish a federation, declaring their joint efforts “to achieve the objectives and plans of the state and its leadership.” This was praised by the Ministry of Social Solidarity despite the fact that this group of organizations did not abide by certain legal provisions governing the establishment of federations.

On the other hand, some organizations continued to adopt the external lobbying strategy. For instance, eight human rights organizations had called upon the European Union³⁰ to strengthen the EU-Egypt partnership and advance bilateral relations under specific criteria that would improve the human rights situation in Egypt, prior to the bilateral meeting of the EU-Egyptian partnership scheduled for mid-year.³¹

As for internal lobbying, many human rights organizations considered it to be the appropriate strategy at this point. Human

rights organizations in Egypt denounced the Egyptian government’s failure to close Case No. 173 of 2011, commonly known as the “NGO Foreign Funding Case,” which has been ongoing for over a decade despite the sporadic issuance of decisions to suspend investigations or lift the travel ban on some human rights defenders in the case, according to several statements issued in this regard.³² Despite the fact that the National Dialogue provided space to express opposing opinions in newspapers and on television, the imprisonment of journalists and bloggers continued. This prompted many human rights organizations to issue a statement condemning the Egyptian authorities for the continued imprisonment of journalists, bloggers, and others under the same list of charges, all of which are based on national security investigations, despite the wide differences in their fields of work and the circumstances and timing of their arrests and investigations.³³ Several organizations also called upon President Abdel Fattah al-Sisi and the executive authority to issue a presidential pardon for TikTok content creators.³⁴ A group of civil society organizations also issued a joint statement condemning the continued imprisonment and retrial of prisoners of conscience.³⁵ The Egyptian Initiative for Personal Rights expressed its concern regarding the preliminary approval of the Religious Committee in the House of Representatives, on February 20, on a draft amendment to some articles of the law regulating preaching and religious lessons mentioned above.³⁶ A group of civil society organizations also

issued a statement condemning the blocking of new websites by the Egyptian authorities.³⁷ In this regard, several NGOs and research centers complained about the difficulty of communicating with the Parliament, the lack of sufficient information about the Parliament's legislative agenda and the issues it discusses, and the failure of the relevant departments within the Parliament to provide minutes of meetings, as was the case in previous parliamentary sessions.

Civil society organizations also attempted to benefit from these new spaces to improve the effectiveness and capabilities of civil society as a strategy for action. As soon as the pardon committee for prisoners of conscience was reactivated, a group of Egyptian organizations sent lists of names to the members of the Presidential Pardon Committee.³⁸ At the end of August 2022, a statement was issued under the title "Human rights demands requisite to a credible national dialogue accountable to the public," in which some organizations stressed that the Egyptian Constitution should be adopted as the basis for the national dialogue, and that the undeclared suspension of the constitutional provisions on rights and freedoms should be lifted prior to the dialogue. These organizations proposed a list of demands that should be met before the national dialogue begins.³⁹

As for civil society's preparations for the COP27 Climate Summit and the ongoing debate between organizations regarding this summit, after the President of the Republic announced that Egypt will work, during its

presidency of this summit, to represent all voices, visions, and orientations and to establish real partnerships between governments and other social actors, funding institutions, international organizations, and civil society.⁴⁰ As such, civil society organizations adopted three different strategies in this context. A set of organizations saw the summit as an opportunity to influence a major issue, which is climate justice in its political, social, and environmental dimensions. They also considered that engaging in this event in a "rational" manner would achieve gains, regardless of the human rights situation in Egypt. These organizations believed that the gains achieved during the summit would cause a domino effect, thereby contributing to the improvement of the human rights situation. Meanwhile, partisans of external lobbying saw this event as an opportunity to launch a human rights campaign against repression in Egypt, even if that came at the expense of achieving success in climate issues, and with no regard for the risks that this strategy exposes participants in the summit to. Meanwhile, supporters of internal lobbying were more inclined towards a total boycott, considering that this event whitewashes the image of the regime and constitutes a danger to the participants from Egyptian civil society, even after its conclusion.⁴¹

By reviewing the different strategies, it appears that the internal lobbying strategy was the most widespread this year, which is a sign of progress compared to previous years during which external lobbying was

the primary strategy (some organizations operating from abroad still insist on adopting it). It also seems important to exploit these new spaces to take actions, as the results of such action are direct and relatively quick, as demonstrated by the release of prisoners of conscience and the change in the discourse of the legislative authority, as mentioned earlier.

All of these developments have had an impact on the nature and movement of civil society in Egypt. The Committee for Justice launched a paper entitled: “How families of victims of human rights violations have organized to become an active part of the political rights movement.” In this paper, the Committee focuses on the role of gatherings and groups formed by the families of victims in the political movement in Egypt, based on the fact that social movements, in a broad sense, have already played an influential role in all societies by raising human rights standards in international law and local practices.⁴²

This year, many institutions also resumed issuing periodic reports and appearing in the media, albeit timidly. Several online campaigns have also been developed, such as the “Know Your Rights” campaign launched by the Egyptian Center for Economic and Social Rights regarding the Labor Law.⁴³ Moreover, the Presidential Pardon Committee responded to the lists sent by some human rights organizations on May 1st, after launching an informal electronic form to collect names and data of prisoners.⁴⁴

Civil society also achieved some degree of success this year in terms of developing legislations for public policies. For example, after years of discussions related to clinical medical trials in Egypt by a group of civil society organizations, including the Egyptian Initiative for Personal Rights, which has issued many studies in this field since 2016, the executive regulations of the law regulating clinical research were issued on March 12, 2022. This law and its executive regulations mark a positive step and represent the culmination of community participation in legislation.⁴⁵

On the issue of freedom of expression, Amnesty International explored the possibility of peaceful protests and demonstrations during the COP 27 Climate Summit in November this year in Sharm El-Sheikh. The Egyptian Minister of Foreign Affairs stated that peaceful protests will be allowed around the time of the Climate Summit in Sharm El-Sheikh, but within a special facility that was being developed, adjacent to the conference center where the summit was held, thus providing the participants with an opportunity to protest and express their opinion.⁴⁶

Despite these developments, human rights organizations are still a concern for the Egyptian state. This is evident through the financial restrictions imposed on some organizations or the total disregard for the demands of several human rights civil society organizations in Egypt and some of the participants in the national dialogue for a genuine and comprehensive closure of Case No. 173 of 2011, and all the consequent

decisions that have deprived many human rights advocates of their rights, freezing their assets and banning them from travel until after the Climate Conference in Sharm El-Sheikh.⁴⁷

Conclusion and Future Prospects

In its quarterly report issued in July 2022, the Association for Freedom of Thought and Expression raised a fundamental question related to the context of civil society work in Egypt: “Is the national dialogue a breakthrough or a maneuver?” The second quarter of 2022 witnessed unprecedented steps by the government since President Abdel Fattah El-Sisi assumed power in 2014. In late April, the President invited political forces for a national dialogue aimed at introducing political reforms and reaching consensus over the priorities of national action. However, the sub-title of the report reads: “Ongoing Oppression.” Given the stark contrast between rhetoric and actions, between steps forward and steps back, 2022 can be considered the year of uncertainty regarding the situation of civil society in Egypt.

This understanding of the relationship between public space and civil society’s ability to act has become the focus of the movement of independent organizations, despite their differences. The previously mentioned debate regarding the participation in the COP27 Summit reflects

the different reactions of organizations towards this relationship. The prevailing state of uncertainty mentioned in the introduction was mainly due to the actions taken by the authority in light of international, regional, and economic circumstances. However, the expansion and positive development of the new margin is now in the hands of civil society, which should devise strategies to enrich the public sphere with its diversity and tolerance and positively deal with all initiatives realistically and without much scrutiny at this stage; otherwise this will result in greater closure of the public sphere and in an even greater repression of civil society.

The developments also confirm the need for further action by civil society to influence the legislative field in order to achieve progress in the public sphere. This seems complicated, given that organizations are torn between the need to respond to the necessities of the national dialogue, on the one hand, and their tendency to adopt the same approach of the past years on the other.

In addition, civil society’s strategies in dealing with the authorities are mostly influenced by the pre-2011 events. However, the change in the nature of the ruling regime and its tools requires the development of strategies through meetings and broad consultations that raise the bar for civil society, taking into account its achievements after 2011, rather than its status before the revolution. These ambitions cannot be achieved by setting low expectations of little impact, especially amid the current situation, which is extremely harsh and ambiguous.

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