

Making Use of a Revolutionary Moment: The Impact of Human Rights Organizations in Post-revolutionary Egypt

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Abstract

On 25 January 2011, Egypt's National Police Day, massive protests took to the streets in response to calls by activists, widely supported by various movements and groups, and then later by the majority of the public. The unprecedented public mobilization that 2011 witnessed created the perfect opportunity for human rights advancement. In post-2011 Egypt, there was more public space than had ever existed during Mubarak's three-decade rule for all stakeholders to engage freely: media, political parties, the judiciary, and human rights organizations, in the absence of the usually domineering state security apparatus. Human rights organizations were dealing with a vulnerable regime that was keen to appease, willing to listen, and open to reform and dialogue, regardless of how genuine its intentions were. In the aftermath of the 2013 military coup, which followed massive demonstrations against the Muslim Brothers-led government, some of the gains made by these organizations proved to be fragile, and within a few months a security state was back in full force. Despite a general agreement that the human rights conditions in Egypt quickly became far worse than during Mubarak's years, there remains some elements of success that were reaped in the short "revolutionary" years from 2011 to 2013, and especially in the early months following Mubarak's downfall.

Introduction

“At the beginning, General Hamed Abdullah, head of the new National Security Sector, spoke briefly about the new sector which he insisted ... will start its work under a new philosophy, and a majority of new officers and employees. I was pleased to hear in his opening remarks the expression ‘institutional corruption’ in describing the [former] State Security sector which he admitted had worked independently of and even above the Ministry. After we watched a presentation about the new sector, its philosophy, structure, and its oversight mechanisms, I asked for a copy of the presentation and I was surprised a few minutes later when a public affairs officer came and gave me a CD with the entire [presentation](#).”

The above are excerpts from a blog written in 2011 by Hossam Bahgat, founder and former Executive Director of the Egyptian Initiative for Personal Rights (EIPR), about an unprecedented forum he attended at the Ministry of Interior,¹ along with journalists, other human rights activists, politicians, writers and activists. Many promises were made at the meeting, including that the old officers would be vetted, and the new officers get an induction training, including on human rights and that there would be a new law to ensure accountability, end impunity and encourage women and Christian Copts to join the new service. What Bahgat describes above is a very different atmosphere than the one that is visibly present in Egypt in 2018, almost seven years after an uprising that erupted to demand dignity, freedom, and social justice.²

On 25 January 2011, National Police Day, massive numbers of individuals took to the streets in response to calls by activists. The calls were widely supported by various movements and groups. The unprecedented public mobilization that 2011 witnessed created the perfect opportunity for human rights advancement. It is clear from Bahgat’s blog and many other political developments that year that activists were dealing with a vulnerable regime that was keen to appease, willing to listen, and open to reform and dialogue, regardless of how genuine its intentions were. In post-2011 Egypt, there was more public space than had ever existed during Mubarak’s rule for all stakeholders to engage freely: media, political parties, the judiciary, and human rights organizations, in the absence of the usually domineering state security apparatus. In some instances, human rights organizations were able to successfully take advantage of this opening to push through reforms. There were clear advocacy efforts on a range of human rights issues (under the umbrellas of economic and social justice, criminal justice reform, civil liberties protection and upholding democracy and political rights), but not all the efforts were successful.

This paper will examine a number of human rights initiatives and issues championed by human rights organizations in the aftermath of the 2011 uprising in order to gain a better understanding of the impact these organizations had in post-revolution Egypt. While there were a number of other initiatives led by various groupings (not necessarily formal human rights organizations), we will

¹ Hossam Bahgat, “About My First Visit to the New National Security Sector (Previously Known as State Security Nasr City)”. 16 June 16. Available in Arabic at eipr.org/blog/post/2011/06/16/1179

² In 2015, the state arrested Bahgat for a couple of days and later, in 2016, it banned his travel and froze his assets due to investigations in a case in which security agencies accuse him and several other human rights defenders of receiving foreign funds to destabilize the state and harm national security. For more information, see bit.ly/2roNuhb and bit.ly/2FQ688d

examine only a select number of case studies led by human rights actors in order to analyze the patterns that led to their success or failure. This will a better understanding of the impact human rights organizations had during that period. Most importantly, however, is that this approach should assist us in understanding what could have been done differently – if anything – to maximize successes and minimize the losses for these organizations.³

This will be achieved mainly by carefully discussing selected initiatives and issues presented through firsthand accounts of researchers at the organizations which led work on these causes. The author will assess impact based on the successful achievement of the objectives as set by the stakeholders (including the researchers at the organizations, whether it is the adoption of a law, policy changes, a change in attitudes and perspectives by the public at large, etc.). The author will also gauge the impact of these organizations through the way various media outlets covered their work, whether in a supportive, neutral, dismissive or hostile manner.

The period under examination will be from 2011 to 2013, with the summer of 2013 marking the beginning of a fast erosion of the enlarged space for civil society action as a result of the military takeover and the removal of Muslim Brotherhood president Mohamed Morsi, thus bringing to a quick end Egypt's least repressive period probably since 1952. In the aftermath of the 2013 return of the military to directly and visibly hold the reins of power in Egypt, some of the gains made by human rights organizations proved to be short-lived, and within a few months a security state was back in full force. Despite a general agreement that the human rights conditions in Egypt quickly became far worse than during Mubarak's years, there remains some elements of success that were reaped in the short "revolutionary" years between 2011 and 2013, and especially in the early months following Mubarak's downfall.

Gender Issues: Initially Ignored, Gradually Pushed to the Top of the Agenda by Public Momentum

On 8 March 2011, International Women's Day, a group of young women, feminists and activists took to the street to demand that the ruling Supreme Council of the Armed Forces (SCAF) include women in ongoing efforts to reconstruct the state. Though the march was joined by a small number of people, the protestors were attacked in Tahrir Square by 'bystanders', some of whom mocked their demands.⁴ Some of the demonstrators were sexually harassed, by then an increasingly common act of aggression against women in the streets in Egypt, and especially during mass gatherings. A study conducted in 2008 and published in 2010 claimed that 62% of Egyptian men admitted to having

³ In this paper, human rights organizations are defined as non-governmental institutions with an internal governance structure and a hierarchy working towards advancing human rights as derived from the international bill, and monitoring, documenting and reporting on abuses committed by the state or other actors. The paper deals with these institutions as NGOs regardless of whether they are officially registered with the government as such. Some of these organizations undertake certain initiatives or campaigns to advance a particular issue they are working on. This is different from non-structural movements, groupings and campaigns launched and organized by individuals working within a loose horizontal structure.

⁴ Kristen Chick. "In Egypt's Tahrir Square, Women Attacked at Rally on International Women's Day." *The Christian Science Monitor*. 8 March 2011. Available at bit.ly/2w2OvkP

sexually harassed women, while 83% of Egyptian women in the study sample reported being harassed with half of them saying that it occurred on a daily basis. Furthermore, 98% of foreign women reported they had been harassed during their stay in Egypt.⁵ Despite such alarming figures, there were no serious efforts by the government before the revolution to address the issue of rampant sexual harassment. In fact, the whole issue was dismissed by Suzanne Mubarak, Egypt's then First Lady, who commonly spearheaded most of the policy changes around gender issues during her Mubarak's rule.⁶ Furthermore, the state itself was accused of orchestrating some of the sexual violence crimes as a weapon against female demonstrators.⁷

"Before 2011...there was this widespread disease within Egyptian society of acceptance of sexual harassment crimes and violence in public spheres, and finding excuses for the harasser....women who spoke up were told to shut up and not to shame themselves, or were accused of asking for it by the way they dressed, and sometimes even witnesses denied they saw anything," says Dalia Abdel-Hameed, Gender and Women's Rights Officer at the Egyptian Initiative for Personal Rights.⁸ The media also contributed to this smear campaign against women who dared to speak up, she added.

Shortly after the 8 March incident, the SCAF used its legislative power and issued a law which increased penalties for sexual violence crimes, and attempted, but not with much success, to better define sexual harassment to increase protection for individuals – a long-standing [demand](#) by human rights groups.⁹

What brought the issue of sexual harassment back to the forefront after 2011 however was the increased number of documented cases of more frequent and more violent mob assaults during demonstrations, thereby dispelling the myth that that phenomenon had all but disappeared from mass gatherings.¹⁰ By June 2012, "it was very difficult for revolutionary groups to continue to deny that this was happening on a large scale, as a lot of people from our own circles were violated in this way," says Abdel-Hameed. But still, not all political forces were on board; some asked that they continue to be silent about this issue so as not to "smear the square's image [Tahrir Square]".¹¹

The government itself was in complete denial initially. It made no attempt to secure the demonstrations or even engage with human rights organizations to gain a better understanding of the magnitude of the problem, similar to the reaction of the Mubarak regime. The way the attacks were organized and orchestrated further reminded many of the way the Mubarak regime had hired thugs as early as 2005¹² to attack female demonstrators. These allegations however were difficult to

⁵ The Egyptian Center for Women's Rights. "Clouds in Egypt's Sky". 16 March 2010. Available at egypt.unfpa.org/publications/clouds-egypts-sky-en

⁶ BBC Arabic Online. "There is No Sexual Harassment Phenomenon in Egypt". 8 November 2010. Available at news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7730000/7730616.stm

⁷ The Egyptian Initiative for Personal Rights. "Egypt held to account for failing to protect women demonstrators from sexual assault". 14 March 2013. Available at bit.ly/2w4GaNp

⁸ Interview with Dalia Abdel-Hameed, 27 September 2016.

⁹ Al-Akhbar. "The SCAF Issues a Decree to Increase Penalties for Rape, Harassment and Kidnapping Crimes." 1 April 1, 2011. Available at www.masress.com/elakhbar/33397

¹⁰ The first documented case was that of Lara Logan, CBS correspondent, who spoke out a few months later. See www.cbsnews.com/news/lara-logan-breaks-silence-on-cairo-assault/

¹¹ Supra note 8. Interview with Dalia Abdel-Hameed.

¹² There was a massive coverage of such incidents but for the main one of 2005 see bit.ly/2rdrl6k

prove, but what is clear from the study conducted in 2008 and mass attacks since 2011, is that we are facing a social phenomenon that needed to be addressed by the state.

In June 2012, when human rights groups started working on documenting these cases, what they discovered was that the mass assaults had taken on a more violent and severe nature than those documented before the revolution, and all they could do at the time was to provide the survivors with psychological and medical support and at times, publish their testimonies.¹³ In a change of strategy, in November 2012, EIPR recruited a limited number of volunteers for an upcoming demonstration, mostly staff members from the organization but also members from Mosireen – a collective working at the time to document the revolution and has a lot of video footage¹⁴ – to organize them around reporting the incidents and physically removing the women who were being attacked from the demonstration. They shared the hotline number for reporting incidents on Twitter and Facebook to encourage others as well. “We only wanted to rescue the girls, and we weren't very hopeful,” Abdel-Hameed said.

After that initial attempt, the group monitoring demonstrations in Tahrir started organizing themselves a bit more efficiently, dividing themselves into smaller groups each entrusted with specific tasks and became officially known as Operation Anti-Sexual Harassment/Assault (OpAntish). Other women’s rights groups joined in this effort. They published a call for volunteers and got 80 applicants, much to the surprise of the organizers. That initial public meeting of its kind was quite heated, with men who came with preconceived notions about telling women not to go to the demonstrations, or telling the group that it should encourage the women to dress in a certain way. It turned into an interactive debate about women’s rights issues; “a grass-root fight about the language we were using”.¹⁵

Starting 2013, the struggle led by these organizations started engaging the media and the public at large in an unprecedented manner. After the demonstration commemorating the 25 January revolution, members of OpAntish started appearing on TV shows to speak about their findings.¹⁶ They also issued their first press release condemning political parties, which had been largely silent until then and did not take any responsibility for the horrific assaults that occurred in demonstrations they called for.¹⁷ It was at that 25 January demonstration, and the public protests that took place in the following days, that the assaults were the most severe¹⁸. A call for testimonies was put out by the group. The testimonies that were gathered and published, and the severity of the incidents, garnered even more media attention and sought out the survivors to speak about them.¹⁹ OpAntish also started reaching out to groups across the region and received a number of solidarity statements at the time.²⁰

¹³ Supra note 8. Interview with Dalia Abdel-Hameed.

¹⁴ For more information on Mosireen, see mosireen.org/

¹⁵ This group did not work alone on this issue at the time. There were other groups like Tahrir Body Guards doing similar work in Tahrir Square. More about the mission statement of Operation Anti-Sexual Harassment/Assault is available at www.facebook.com/opantish/about/

¹⁶ Reem Magued. *Baladna bel Masry*, OnTv. 30 January 2013. Available at www.youtube.com/watch?v=iShZH74JQdE

¹⁷ The press release is available at www.facebook.com/notes/202877116522855/

¹⁸ Supra note 8. Interview with Dalia Abdel-Hameed.

¹⁹ See www.youtube.com/watch?v=DRy6csquRBM for a video by Al-Masry el-Youm TV of material gathered by OpAntish. 3 February 2013, and www.youtube.com/watch?v=BGYWW41brQ where TV presenter Lamis el-Hadidi airs testimonies from survivors on her show, *Huna al-A'sema*, showing at the time on CBC Extra. Posted 3 February 2013.

²⁰ Supra note 8. Interview with Dalia Abdel-Hameed.

“The survivors wanted to publish their testimonies in their names, with their faces. It was a real battle against stereotyping. I will not hide and be ashamed, a real revolutionary moment. It suddenly became part and parcel of the revolution and not an elitist issue. It managed to end the denial,” concludes Abdel-Hameed.

While the issue was also getting support from political parties, the Muslim Brotherhood-dominated Shura Council²¹ attempted to dismiss these incidents in a hearing by its Human Rights Committee on February 11, 2013, but it had very little impact against the rising strength of the testimonies.²² The volunteers themselves started seeing the issue from a feminist perspective, acknowledging for instance that it is not their place to dictate to the women whether or not they should attend demonstrations or advise them on a ‘proper’ attire when they take part in public gatherings.²³

According to Abdel-Hameed, while this started as a civil society initiative and continued to be supported by these organizations (including financially), what made it take a life of its own were the people themselves on the street. The success of the work also led to individual donations, from inside and outside of Egypt.

On 5 June 2014, Interim President Adly Mansour finally issued a decree which amended the Penal Code to include the term “sexual harassment” for the first time in Egypt’s legal history, although it was accompanied with sexual intent (Article 306 bis (b)). It also increased the penalty for an assault in Article 306a and replaced the word “female” with the word “other” thereby making it a neutral offence regardless of the gender of the victim.²⁴ The draft law had been previously discussed at meetings organized by UN Women. The then Deputy Prime Minister Ziad Bahaa el-Din had also invited many of the NGOs engaged in this effort for consultations around the bill. A lot of the language used in the amendments was proposed by human rights organizations.²⁵

The group was not only successful in getting the law to be passed. A lot of the other non-penal demands, like a comprehensive national strategy to combat violence against women, and a medical protocol for dealing with survivors, were also adopted by the government. The government also set up a sector in the Ministry of Interior for combatting violence against women.²⁶

The mass assault incident which took place at President Abdelfattah elSisi’s inauguration on 3 June 2014 was also a turning point in giving more momentum for the law to be respected by government agencies. What was a huge celebratory moment for el-Sisi and his supporters was tarnished by this incident, especially as it was documented live.²⁷ El-Sisi had to admit the gravity of the incident and

²¹ Egypt’s Shura Council was the upper parliament’s chamber. It was established in 1980 but brought to an end as part of the legislative structure under the 2014 constitution.

²² See OpAntish statement on 16 February 2013. Available at bit.ly/2rnOqT7

²³ Supra note 8. Interview with Dalia Abdel-Hameed.

²⁴ The Egyptian Initiative for Personal Rights. “Mob-sexual Assaults and Gang Rapes in Tahrir Square during Celebrations of the Inauguration of New Egyptian President is Sufficient Proof for the Inefficiency of the Recent Legal Amendments to Combat these Crimes”. 9 June 2014. Available at eipr.org/en/pressrelease/2014/06/09/2144

²⁵ Supra note 8. Interview with Dalia Abdel-Hameed.

²⁶ See an interview with Lieutenant Nashwa Mahmoud, by Mona el-Shazly on CBC. Published 12 October 2014. Available at www.youtube.com/watch?v=wlrFJRz_Hko

²⁷ See an interview with the girl who was assaulted on June 3 by Ahmed Moussa on his TV show, ‘Ala Mas’ouleety, on the channel el-Balad www.youtube.com/watch?v=EtvagEJgxI8. Posted 10 June 2014.

took the symbolic step of visiting the survivor in hospital.²⁸ This was an obvious show of interest by the President and a strong signal to the rest of the government agencies that this is an issue to be prioritized – unlike Mubarak whose wife had completely dismissed the issue. Shortly thereafter, there followed the first court convictions for mass sexual assaults.²⁹

In a country where statistics are hard to come by, and not widely shared by the government, measuring respect for the law and the extent to which it is enforced is difficult. However, Daftar Ahwal, a research center for “archiving, documentation, statistics and studies” published a study in 2015, one year after the law was passed, indicating that the number of those arrested under the law amounted to 2,259 individuals, not including those who have been sentenced, as a result of 402 security campaigns across the country.³⁰ While the law has by no means ended the phenomenon, more women have become clearly more encouraged to report incidents, more people willing to assist in apprehending assailants, and the police have actually started to file complaints and take them more seriously.³¹

Even though the problem of sexual harassment and gender issues at large were clearly nowhere on the agenda of many stakeholders in the immediate aftermath of the revolution, the demonstrations in Tahrir Square and the government’s tolerance for them, focused attention on sexual harassment and how widely spread it had become, in addition to such incidents ‘tarnishing’ the image of Tahrir square which had acquired a great symbolic value for almost all parties. But it was the public mobilization around the issue, the people who took ownership of the initiative that were the catalyst for the real reform to occur in terms of policy, public attention and legislation.

The gender groups’ struggle for women’s rights and gender issues tremendously slowed down and almost halted in some aspects with the return of authoritarian rule, the crackdown on civil society organizations, and the successful actions to silence almost all forms of dissent (from enforcing severe penalties for demonstrations, to harassing independent media and political figures, as well as human rights organizations, etc.). Long-term structural changes, such as introducing sexuality education in national curricula to changing gender perceptions, require much more time than what was allowed the activists in this short relative democratic opening in the period 2011-13. It therefore should not be surprising that TV presenters, and politicians after 2013 deployed a very crude misogynistic language on gender issues – even if their behavior produced a public outcry largely by activists on social media.³²

²⁸ See video footage of the visit at www.youtube.com/watch?v=yFNfXVeEc4w. Posted 11 June 2014.

²⁹ The Egyptian Initiative for Personal Rights. “The First Court Decision Against Mass Assaults in Tahrir Square is Just the Beginning, and There Needs to Be Investigations into All Previous Cases of Mass Assault.” 20 July 2014. Available at eipr.org/pressrelease/2014/07/20/2161

³⁰ Daftar Ahwal. “Arrest Campaigns One Year after the Adoption of the Harassment Law”. 15 November 2015. Available at daftarahwal.wordpress.com/2015/11/15/harassment-arrests-fullreport/

³¹ There are numerous videos captured by news agencies during Eid festivities when mass assaults are more common, of women dragging men to be reported and demanding justice, being supported by those around them, and of police forces taking action to support these women. See www.youtube.com/watch?v=VOC2dwBbuTQ, www.youtube.com/watch?v=qmoOwwxi0xw and www.youtube.com/watch?v=MVRFoX9jYQ0

³² In May 2016, a court acquitted a prominent TV broadcaster, Reham Said who had shared private pictures of a girl she was interviewing about a sexual harassment incident. Said showed the girl on the beach in a bikini, using that to justify why the girl was harassed at a commercial mall in Cairo! Her TV show was suspended and she was sentenced to a year in prison and fined LE15,000 for violation of privacy, and an additional six months in prison and LE10,000 for libel and slander

Police Brutality: Limited Success, No Long-term Changes Despite Public Momentum

Torture to death and brutalization by policemen of suspects and detainees was probably the direct trigger that brought people to the streets of Cairo in 2011 according to many analysts. One of the groups that called for the demonstrations on 25 January was a Facebook group called “We Are All Khaled Said”, named after a young man who was beaten to death by police officers in June 2010 and his before and after pictures shared widely on social media networks. And on 28 January, when the police forces withdrew from the streets of Cairo and other cities, many across the country burned the police stations in their neighborhoods.

At first there was a lot of momentum and demand to push for security sector reform. The withdrawal was taken as a defeat and a recognition that the security sector will not be able to resume business as usual. This was also acknowledged by the governing authorities at the time. As torture accounts started to resurface after the resignation of Mubarak, it became clear that this was an issue that will require a lot of hard work and real pressure. One such incident of police abuse was first discussed by TV broadcaster, Yousry Fouda only a few months after the battle of 28 January, on his widely-watched TV show, *Bedoun Kalam*.³³ Furthermore, the issue of reform was not only being discussed by human rights organizations and the media, but also by police officers, some of whom had left the service, but who wanted to see genuine reforms introduced to the institution.³⁴

In July 2011, a group of individuals from human rights organizations, academia, artists, businessmen and other professionals published the first comprehensive roadmap for security sector reform.³⁵ “Since the Ministry of Interior after the Revolution did not adopt a clear strategy to fix [the institution]... we... took the initiative... to form an independent working group that would put forward a complete vision for the procedures, legislative amendments, and restructuring that are sufficient to rebuild the police force on sound grounds... we propose this initiative, whilst looking forward to an exchange and participation and support from all individuals and society at large, so we can reach consensus around it that would lead to it being adopted - at both the popular and official levels - as a roadmap for rebuilding the security sector,” reads the mission statement.³⁶ The official launch of the initiative,³⁷ which became known as Police for Egypt, came in October 2011, and

after a huge social media campaign using the hashtag [#موتى يا ريهام](#) (Die, Reham). The show resumed few weeks later, the sentence was dropped and the case closed in an out-of-court settlement.

³³ Yousry Fouda. *Bedoun Kalam*. OnTV. 24 May 2011. Available at www.youtube.com/watch?v=WoScD3smlqw&feature=share

³⁴ Gamal Hussein and Hossam Abdel-Aleem. “Security Sector Reform: an Urgent and Inevitable Matter before the New Interior Ministry.” *Al-Akhbar*. 8 March 2011. Available in Arabic at www.masress.com/elakhbar/31099

³⁵ Egyptian Initiative for Personal Rights. “National Initiative to Rebuild the Police Force: A Police for the People of Egypt”. 13 July 2011. Available at eipr.org/en/pressrelease/2011/07/13/1216

³⁶ “A Police for Egypt”. Available at: www.policeforegypt.org/index.php and Reem Magued. *Baladna bel Masry*. OnTv. Published 12 July 2011. Available at www.youtube.com/watch?v=mXLt-Od7ciM&feature=youtu.be

³⁷ There have been three versions of the initiative’s text to date. The latest version is available at www.policeforegypt.org/docs.html

received wide coverage in the media, both TV and print³⁸ and continued to be publicized for some time thereafter.³⁹

“From 2011 to 2013, our main achievements were that we [Police for Egypt] were present, influential and had access to government bodies,” says Karim Ennarah, Security Sector Reform Officer at the Egyptian Initiative for Personal Rights, which was one of the founding organizations of the initiative. “For the first year, we had constant presence in the media ... There was always recourse to us when someone [from the media] wanted to speak about the police”.⁴⁰

The initiative’s first serious interaction with any official body was with Parliament after the Port Said tragic incident in February 2012, also a few months after the initiative was launched.⁴¹ According to Ennarah, the Parliament reached out to the group because of public pressure. The group drafted a bill and sent it to the Defense and National Security Committee, based on the principles and priorities in the initiative. But despite the fact that there were three bills presented by MPs at the time (somewhat based on the Police for Egypt bill), none of them were adopted and eventually Parliament made limited amendments to the Police Law related to the wage structure to appease the growing resentment at the time from junior officers, the “boots on the ground”.⁴²

In June 2012, Parliament was dissolved after the law on elections was found to be unconstitutional but shortly thereafter Mohamed Morsi of the Muslim Brotherhood was elected President. Police for Egypt continued to engage with the new government, and in particular, the Minister of Justice, Ahmed Mekki and a Presidential Advisory Body. “We used to sit with Mekki in person (given the role he played during Mubarak’s time in the independence of the judiciary campaign) and many of us had high hopes pinned on him. We asked him directly to be our liaison with the Ministry of Interior, and told him we would be willing to meet with them,” recalls Ennarah.⁴³ “During that time, we also started adapting our initiative to political changes, with the first draft being the most radical,” he adds.

“Police for Egypt” also worked very closely with political parties, and even presidential candidates during their campaigns leading to the elections in 2012. Many of these parties used the language in the document in summarizing their position on police reform. Khaled Ali, one of the candidates and a human rights lawyer, used the entire initiative as the section of his platform on security issues; Amr Moussa and Abdel-Moneim Aboul-Fotouh took large parts of the initiative to integrate in their

³⁸ Mohamed el-Bahrawy and Ahmed Mamdouh. “Police for Egypt Initiative: A Popular Initiative to Reform the Police.” *Al Youm al Sabe’a*. 25 October 2011. Available in Arabic at bit.ly/2lb2yK0

³⁹ Shaimaa Adel. “Al Watan Publishes the National Initiative to Reform the Police Force.” *Al Watan*. 21 October 2012. Available in Arabic at www.elwatannews.com/news/details/65019 But also: Mostafa Imam. “After the Appointment of a New Interior Minister: The Popular Initiatives Restructure the Ministry of Interior.” *Al-Ahram*. 9 December 2011. Available in Arabic at ahram.org.eg/archive/741/2011/12/8/3/117676/219.aspx

⁴⁰ Interview with Karim Ennarah, Security Sector Reform Officer. Egyptian Initiative for Personal Rights. October 19, 2016.

⁴¹ Almost 100 soccer fans were killed in Port Said on February 2, 2012 after clashes between supporters of the two opposing teams. The police did not attempt to interfere to stop the clashes, leading to a high fatality rate and leading some to believe the police orchestrated the clashes. In any case, it is considered a huge failure of the police force. See: “Witness Accounts Around the Port Said Tragedy.” *The Egyptian Initiative for Personal Rights*. February 2, 2012. Available at eipr.org/en/pressrelease/2012/02/02/1364. See also: “The Port Said Massacre: The State Secures Safe Environment for the Murder of Innocents.” *Cairo Institute for Human Rights Studies*. February 5, 2016. Available at www.cihrs.org/?p=1144&lang=en

⁴² Supra note 39. Interview with Karim Ennarah.

⁴³ Supra note 39. Interview with Karim Ennarah.

platforms. “We spent a lot of time with their campaign managers,” says Ennarah. “And the police reform issue was an important one.”⁴⁴

Even after the military overthrow of President Morsi in June 2013, and the reinstatement of a military-dominated regime, the group continued to engage the government and other official bodies. They met with then Prime Minister Hazem Beblawi⁴⁵ and were invited to hearings by the Shura Council over the draft anti-demonstrations law. The arbitrary passage of that law, and its highly restrictive nature, however, ended all attempts to engage with the government.⁴⁶

During that period, there were a limited number of cases where the public momentum led to accountability. One such case was what came to be known as the “eye sniper case”. In November 2011, during demonstrations that resulted in clashes with police forces, a journalist managed to videotape an officer targeting demonstrators’ eyes with a rifle.⁴⁷ The case triggered a huge outcry⁴⁸ and eventually led to the sentencing of the officer Mahmoud el-Shinnawy to three years in prison.⁴⁹

Despite the strengths of the initiative and the significance of the issue, security sector reform did not occur after the fall of the Mubarak regime. What was seen by several quarters as “pressing security concerns” was one main factor that impeded the “Police for Egypt” initiative and made it almost impossible to bring about real structural reform and legislative changes, despite public momentum and support. These “concerns” were born after the withdrawal of police forces on 28 January 2011, and their ceasing to perform regular security activities. This became a real concern for many, as they felt that crime rates were increasing, and prevented them from pushing whole-heartedly for reform. It also led to contradicting positions: the same people from diverse demographic sectors and different areas in the country who angrily burned down police stations on 28 January also wanted the police to contain crime. This began as early as 2011, thus putting the brakes on any real push for security sector reform.

This contradiction played out differently throughout the years following the fall of Mubarak. Incidents like the Port Said stadium returned the issue of security sector reform to the forefront and placed pressure on all stakeholders to act. But the state successfully managed to take back control over situations like this, with fear mongering tactics. The public momentum for police reform gradually faded. “It was a decisive moment because it divided many of the revolutionary groups and civil society organizations,” recalls Ennarah.⁵⁰

⁴⁴ Supra note 39. Interview with Karim Ennarah.

⁴⁵ Al-Bedaiah. “The Police Reform Initiative Meets with Beblawi and Asks that he Restructure: The Ministry of Interior.” 16 July 2013. Available in Arabic at albedaiah.com/node/43805

⁴⁶ Egyptian Initiative for Personal Rights. “In its Commentary on the Demonstrations Law, Human Rights Organizations: The Government Considers Demonstrations a Crime” 31 October 2013. Available at eipr.org/pressrelease/2013/10/31/1859

⁴⁷ Video footage of the incident is available here www.youtube.com/watch?v=wGNLkHwTMTM. Posted 26 November 2011.

⁴⁸ See sample coverage of the incident by TV shows at

www.youtube.com/watch?v=nZpr1wi6yPo and www.youtube.com/watch?v=FpSwGLkZ1D0

⁴⁹ Egyptian Initiative for Personal Rights. “The Egyptian Initiative for Personal Rights Welcomes the Court Decision in the Eye Sniper Case.” 5 March 2013. Available at eipr.org/pressrelease/2013/03/05/1650

⁵⁰ Supra note 39. Interview with Karim Ennarah.

Long-term structural changes require time, as was the case with the struggle against sexual harassment in public spaces. And time was a luxury human rights organizations did not have, as the tide against reform and human rights was turning quite quickly.

There is no denying that after mid-2013, the magnitude of human rights abuses, and the severity of conditions in places of detention became unprecedented, as documented by several human rights organizations.⁵¹ There had been moments, however, when it seemed like there was a return of the public momentum witnessed in the early days of the revolution, and a government that feels pressured enough to respond.

One such incident was when police officers assaulted doctors at the Matareya Hospital in Cairo on 28 January 2016.⁵² Thousands of doctors took to the street to protest, led by the Doctors' Syndicate which called for a General Assembly on 12 February and adopted some radical decisions, including a call on all doctors to stop from providing all paid medical services starting 27 February, and only providing emergency and free services in all public hospitals and for all doctors to shut down private clinics on 19 March.⁵³ The officers were charged and indicted, and on 20 September a misdemeanor court sentenced them to three years in prison.⁵⁴ The speed by which the case was prosecuted can be largely attributed to the momentum created by the doctors and the public support they garnered.⁵⁵

Another case that also had a great ripple effect was that of the truck driver who was killed by a police officer after a dispute over the fare charge in February 2016. Hundreds surrounded the Cairo security directorate and marched from the building to Ahmed Maher Hospital where the corpse was moved.⁵⁶ In April, the police officer was sentenced to life in prison.⁵⁷ Shortly after this incident, President el-Sisi called upon his Minister of Interior to amend the Police Law, in statements that were considered an acknowledgment of the problem, but also, and more importantly, the first such acknowledgment by a state leader in Egypt. El-Sisi said that these irresponsible acts must be held accountable, which entails introducing amendments to the law that would regulate the security performance.⁵⁸ The amendments were passed in 10 August 2016.

⁵¹ See Amnesty International, "Egypt: Hundreds disappeared and tortured amid wave of brutal repression". 13 July 2016. Available at www.amnesty.org/en/latest/news/2016/07/egypt-hundreds-disappeared-and-tortured-amid-wave-of-brutal-repression/ and also Human Rights Watch. "Egypt: Serious Abuses in Scorpion Prison". 28 September 2016. Available at www.hrw.org/news/2016/09/28/egypt-serious-abuses-scorpion-prison

⁵² AP. "Thousands of Doctors in Egypt Protest after Police Accused of Attack on Two Medics". 13 February 2016. Available at www.theguardian.com/world/2016/feb/13/thousands-of-doctors-in-egypt-protest-after-police-accused-of-attack-on-two-medics

⁵³ A full list of the decisions can be found at www.ems.org.eg/our_news/details/3931

⁵⁴ Alyoum Al-Sabea'. "Nine Police Officers Sentenced to Three Years in Prison for Assaulting Doctors in Matareya". 20 September 2016. Available in Arabic at bit.ly/2rcTavl

⁵⁵ See Ibrahim Eissa's analysis of the case on his TV show, even before the officers were sentenced at www.youtube.com/watch?v=7Rwgf8viJCg&feature=youtu.be. 14 February 2016.

⁵⁶ DW. "Deadly Police Shooting Sparks Egypt Protests." 19 February 2016. Available at www.dw.com/en/deadly-police-shooting-sparks-egypt-protests/a-19059634

⁵⁷ Middle East Eye. "Egypt Sentences Policeman to Life for Killing Taxi Driver after Fare Dispute". 2 April 2016. Available at www.middleeasteye.net/news/egypt-sentences-policeman-life-killing-taxi-driver-after-fare-dispute-264903699

⁵⁸ Al-Arabiya. "Sisi Proposes a Bill to Curtail Police Brutality". 19 February 2016. Available at bit.ly/2KsighU

Ironically, but expectedly, the amendments did not contain any accountability mechanisms or meaningful structural reforms.⁵⁹ But on the other hand, there was also the introduction of unprecedented language. “The Police Law had always been about the obligations of police officers towards their superiors. And the rest of the law governs salaries, pensions, etc. This was the first time you have language around the police officer’s constitutional obligations to respect freedoms and rights,” says Ennarah.⁶⁰ “Overall, they were very limited [amendments] but you have to consider that they took place during the peak of el-Sisi’s rule – during which no one expected legislative or institutional reform – and how that must have happened after [him] feeling pressured.”

These sparks and incidents where the people at large take back the streets, while quite significant, have been few and successfully contained by the government. The “Police for Egypt” initiative and other human rights efforts and successes have been limited to ensuring accountability for individual and sporadic cases. This could be largely attributed to the public momentum and support on these cases even before the revolution, as well as support from political parties, public figures and the independent media in the early days following the revolution. Ultimately, however, there was clearly never any intention or will by dominant political powers to actually embark on real structural reform in the security sector; even before the return of authoritarianism in July 2013. The regime and especially security agencies and supportive (or manipulated) media were able to abuse people’s fears around the lack of security and to quickly contain any anger that spilled to the street about police violations and transgressions.

Freedom of Religion and Belief: How the Manipulation of Religion Led to a Severe Deterioration in Respect for Religious Freedoms

Religious freedom is a prime example of an issue where not only were there no successes to reckon with but much to the stakeholders’ dismay, there was a serious deterioration in the immediate aftermath of the fall of the Mubarak regime and primarily during the time when the SCAF was running the country.⁶¹ Sectarian violence increased during that period in a very violent manner.

“There were two new and compelling trends during this period governing sectarian conflicts: burning down churches even if the matter or source of the conflict was not over the church building itself, like for example, if there was a love affair between a Muslim woman and a Coptic man. And the second was the escalation by the Coptic side in the face of all this. In a lot of these incidents, the Copts used weapons resulting at times in higher fatality rate from the Muslim community,” says Ishak Ibrahim, Freedom of Religion and Belief Officer at the Egyptian Initiative for Personal Rights.⁶²

⁵⁹ “Amendments to the Police Law: Limited and without Accountability Mechanisms.” *Egyptian Initiative for Personal Rights*. 12 March 2016. Available at eipr.org/pressrelease/2016/03/12/2559

⁶⁰ Supra note 39. Interview with Karim Ennarah.

⁶¹ “Copts Under Military Rule: One and a Half Years of Violations during the Transitional Period.” *Egyptian Initiative for Personal Rights*. 9 October 2012. Available at eipr.org/sites/default/files/pressreleases/pdf/copts_under_military_rule.pdf

⁶² Interview with Ishak Ibrahim, Freedom of Religion and Belief Officer at the Egyptian Initiative for Personal Rights. 29 September 2016.

One such incident took place in Imbaba on 7 and 8 May 2011,⁶³ when Muslims attempted to storm the Mar Mina Church after claiming it was harboring a Muslim woman who had run away in 2010, and then ended up torching another church, the Virgin Mary Church. The incident was largely instigated by religious fundamentalist groups. Despite a large military presence on the streets at the time, there were no attempt by either the military or the police to prevent the clashes or even contain them. This incident was also quite remarkable in the reaction of the Coptic minority to the attacks on the Church buildings. The “use of firearms and violence by both sides that left several dead and many wounded may signal violence on a broader scale or herald the return of acts of terrorism as Imbaba saw in the late 1980s and 1990s,” warned a statement by EIPR based on findings by its fact-finding mission.⁶⁴

There was also an upsurge in the number of cases of religious defamation filed by individuals.⁶⁵ In a report analyzing 19 such cases, two years after the revolution, EIPR found that these incidents were largely against regular citizens, and not just media or public figures as had been the case during the Mubarak regime. They were also accompanied by attacks against the accused individual, his family and his property, after incitement largely by religious fundamentalist groups. When such individuals were indicted and convicted, judges’ decisions took on a very conservative outlook and interpretation of relevant penal provisions.

Finally, the period also witnessed an escalated state aggression. The Maspero incident is a startling case in point of such state violence. On 9 October 2011, a march which began in Shubra, Cairo, ended abruptly in front of the State TV building, Maspero. The demonstration was organized against the backdrop of the demolition of a church in Aswan, which the Muslim community claimed did not have a proper license even though it had been servicing the Coptic community there for 80 years. Video footage was taken of the violent dispersal by the military police and central security forces of the demonstration, using live ammunition and military vehicles to run over protesters.⁶⁶ The security forces were later joined by people from the neighborhood, amidst clear incitement from official media against the Coptic demonstrators to take to the streets to protect the army.⁶⁷ Inflammatory language was also used by some print media,⁶⁸ as well as members of religious fundamentalist groups who wished to portray the matter as an attack by the Coptic community and an attempt to delay the upcoming parliamentary elections.⁶⁹

⁶³ Egyptian Initiative for Personal Rights. “Street Justice: Report by the Fact-Finding Mission into Sectarian Conflict in Imbaba in May.” *Egyptian Initiative for Personal Rights*. 14 May 2011. Available at eipr.org/report/2011/05/14/1158

⁶⁴ “EIPR Releases Findings of Field Investigation into Imbaba Events.” May 14, 2011. Available at eipr.org/en/pressrelease/2011/05/14/1166

⁶⁵ Egyptian Initiative for Personal Rights. “Besieging Freedom of Thought: Defamation of Religion Cases in Two Years of the Revolution.” 11 September 2013. Available at eipr.org/sites/default/files/pressreleases/pdf/hsr_ltfkyr.pdf

⁶⁶ See www.youtube.com/watch?v=4GqUCt38ByI

⁶⁷ See Rasha Magdy, Channel One, state TV. Available at www.youtube.com/watch?v=E7m08JJdxao. Posted 10 October 2011.

⁶⁸ See, for example, “Two Dead and 100 Injured in Front of Maspero as a Result of the Use of Force by the Copts.” *Al Youm al Sabea*. 9 October 2011. Available in Arabic at bit.ly/2HOMGsT

⁶⁹ See Sheikh Mohamed Abdel-Maqsoud. “A View of the Maspero Events.” *Al Naas TV*. Available at www.youtube.com/watch?v=OOXuIndYiL4

The incident unleashed a huge outcry by numerous media outlets⁷⁰ and political actors.⁷¹ A lot of the criticism was directed towards the role the media played,⁷² but also, against the official denial⁷³ and reaction.⁷⁴ An official investigation was launched, and three army officers were indicted by a military prosecutor, but nothing came out of the investigation and a military court exonerated the officers.

In analyzing why this issue in particular deteriorated in this manner, it is important to understand the role religion played in post-Mubarak Egypt and how religion was manipulated by all political actors. This started as early as March 2011, with the SCAF-proposed constitutional amendments which were supported by the Muslim Brotherhood and other religious political groupings and was spun to be a vote over the state identity as stipulated by Article 2 of the constitution even though that particular article was not being proposed for an amendment.⁷⁵ Following the ouster of President Morsi by the military in 2013, supporters of the befallen regime attacked churches, and private property owned by the Coptic minority.⁷⁶ This turned the religious freedoms issue from a rights and freedoms issue to a political one, and also a bargaining chip at times.

Another part of the problem was that the call for respect for religious freedoms was limited; it did not engage a lot of other stakeholders, media and official attention was given to it largely and solely after huge incidents like the Maspero protest. Furthermore, like with police brutality, it largely lay in the hands of the political elite and the political environment to determine how much respect for these rights would be ensured. However, amidst a weak public momentum around the issue. Unlike with the issues of sexual harassment and even police brutality, there was not enough public pressure on the government to act. And oftentimes, as witnessed in numerous sectarian incidents and in particular during the SCAF rule, the military and security forces failed to act and prevent what at times could have been avoidable escalations.⁷⁷ “The issue was largely lost and not given due attention. This was because for many stakeholders, [religious freedoms] came at the end of the priority list. Whether political parties, civil society organizations and the ruling authority,” says Ibrahim.⁷⁸ In fact, EIPR was

⁷⁰ See, for example, “Hossam Bahgat on Bedoun Kalam to Speak about Maspero.” Yousry Fouda. *Bedoun Kalam*. OnTV. Published 24 May 2011. Available at www.youtube.com/watch?v=JRWJkMRL-pA

⁷¹ Hossam Sadaka and Mohamed Abdel-Kaddar. “Political Parties Call Upon the Military to Announce a State of Mourning for the Martyrs of Maspero.” *Al-Masry al-Youm*. 11 October 11. Available in Arabic at www.almasryalyoum.com/news/details/117293. See also: Al Youm al-Sabea’. “17 Political Party, Movement and Coalition Accuse the Military of Conspiring to Massacre the Maspero Demonstrators”. 13 October 2011. Available at bit.ly/2laXntl

⁷² Inji el-Qady. “Accusations of Incitement against Official Egyptian Media in Handling the Maspero Events.” *Al-Arabeya*. 14 October 2011. Available at www.alarabiya.net/articles/2011/10/14/171788.html. Also see: Yousry Fouda. “Official Media and Maspero Events.” *Bedoun Kalam*. OnTV. Published October 10, 2011. Available at www.youtube.com/watch?v=ZG1Sdeik6B0. A documented analysis of the role the media played in inciting the violence is included in a report by the Association of Freedom of Thought and Expression. “Maspero a Criminal.” *Association of Freedom of Expression and Thought*. December 2011. Available at afteegypt.org/media_freedom/publications-media_freedom/2011/12/22/484-afteegypt.html

⁷³ See, “The Press Conference by the Military Supreme Council about the Maspero Events.” Rassd Network. October 12, 2011. Available at www.youtube.com/watch?v=YWJiQlfwz7o

⁷⁴ See, “Ibrahim Eissa Comments on Reactions to Maspero.” Al Tahrir Channel. Available at www.youtube.com/watch?v=0fhS35oL1Zw. Published October 11, 2011.

⁷⁵ See www.youtube.com/watch?v=tnOxAQGFSHU

⁷⁶ Egyptian Initiative for Personal Rights. “Wave of Attacks on Copts and churches: EIPR: authorities must take immediate action to protect citizens and houses of worship, bring perpetrators and inciters to justice.” 15 July 2013. Available at eipr.org/en/pressrelease/2013/07/15/1762. See also Egyptian Initiative for Personal Rights. “Unprecedented spike in scale of sectarian violence and reprisals against Copts; interim president and prime minister must protect Egyptians’ lives and property and their houses of worship.” August 25, 2016. Available at eipr.org/en/pressrelease/2013/08/25/1791

⁷⁷ Supra note 61. Copts Under Military Rule.

⁷⁸ Supra note 62. Interview with Ishak.

possibly the only human rights organization with a standing program on religious freedoms that regularly documented and monitored this sensitive issue.

But even human rights organizations and political parties who supported or worked on this issue from time to time, were largely ineffective, had no support on the ground, and it was mainly left to the religious groupings, oftentimes the extreme ones, to resolve or handle the issue at the expense of the Coptic minority, using the absence of the security apparatus to their advantage. It was therefore quite easy to manipulate sectarian sentiments and mobilize the people *against* respect for religious freedoms, using the openness in the public space – the fact that many of these groups could establish their own TV channels and public parties for example. “We had an authority that needed these religious groups to consolidate its power, and religious groups with very different components which played a role in street politics and wanted to prove themselves, at both popular and official levels,” says Ibrahim.

So, what if any can be counted as successes in this issue? The momentum that was often led by Coptic youth in opposition to the Coptic Church was the first such protest against this religious institution, which more often than not opted to cut deals with consecutive ruling regimes to maintain its powerful position within the large Coptic minority. “With the outbreak of street demonstrations, and public mobilization, a number of Coptic entities were created that were able to create some momentum on the streets, even around political events like the voting against the 2013 constitution or the demonstrations that led to the ousting of the Muslim Brotherhood,” says Ibrahim.⁷⁹ The temporary breakdown of the security sector which had been largely responsible for preventing them from constructing churches, led the Copts to believe that they “could now build places of worships without any of the previous calculations and complications that existed, and felt that they must exercise their rights, amidst a new atmosphere where people are calling for freedom and justice. Especially since even in Mubarak’s time there was a wave of anger that was bubbling up within that camp,” he concluded.

The new military regime under el-Sisi marketed itself as a protector of minority rights,⁸⁰ but essentially it was largely a return to the state of affairs during Mubarak’s time where a strong security sector has complete control over the issue. Overall, sectarian incidents reverted to their average numbers and trends.⁸¹ Also, the state and its agencies now re-assumed their role as a custodian of the permissible religious discourse, including by the Church. This reemergence of more virulent authoritarianism put an end to almost all mobilization efforts by the Coptic youth. The rather conservative Coptic Church went back to be the sole spokesperson for Coptic rights. Furthermore, the prosecution of religious defamation cases continued. The security apparatus also returned to play a role in preventing people from worshipping in specific private spaces. Tragically, under the el-Sisi regime, there was also a return of the targeting of Copts by extremist groups that had also occurred under Mubarak – with a brief lull in the early 2000s but returned starting 2010.

⁷⁹ Supra note 62. Interview with Ishak.

⁸⁰ Even before he became president, as minister of defence, el-Sisi pledged to rebuild the churches that were attacked a few months earlier. See: “El-Sisi Orders the Reconstruction of the Churches which were Burnt Down.” *MCN*. August 15, 2013. Available at www.mcndirect.com/showsubject_ar.aspx?id=48393#.WBTfaWQrJQK

⁸¹ Supra note 62. Interview with Ishak.

The articles related to religious freedoms in the 2014 Constitution, while better than the ones in the 2012 Constitution under the Muslim Brotherhood, were not good enough.⁸² For example, article 53 stipulates the establishment of a Commission to Combat Discrimination. The new constitution also stipulated the adoption of two laws: one to establish a quota for Copts (to be included in the electoral law) and another to govern the construction of churches. Significantly, the parliament elected in early 2016 had the unprecedented number of 36 Coptic MPs.⁸³ On the other hand, Article 3 of the Constitution, however, entrenched the dominant role of the Church over Copts, while article 64 allowed for the practicing of religious freedoms so long as that does not threaten public law and order.

By the end of 2016, however, extremist groupings targeting of Copts resumed, reminiscent of the targeting that began in the 1970s under Sadat, and continued in the 1980s and 1990s during the Mubarak regime as well as right before the 2011 revolution. In May 2017, around 10 gunmen stopped a bus carrying worshippers on their way to a monastery in Minya, south of Cairo and killed 26 passengers including two children. The incident took place a day before the beginning of Ramadan on May 26.⁸⁴ Earlier on Palm Sunday, suicide bombers targeted worshippers attending churches in Alexandria and Tanta killing 29, after which President el-Sisi declared a state of emergency for three months.⁸⁵

The government had adopted a law governing the construction of churches in 2016. The law however, was enacted without any public consultation, after discussions between the Church and the government. It essentially codified the arbitrariness and inequalities surrounding the construction of places of worship in Egypt.⁸⁶ Between September 2016 when the law was adopted and early 2018, over 20 attacks occurred against Coptic places of worship many of which had applied for licensing under the new laws and most of which have been in service for several years. In one flagrant incident, the Amir Tadros Church in Kafr al-Wasilin in Giza province “was attacked in December 2017 by hundreds of village Muslims after the Friday prayer amid a total absence of security. The assailants chanted religious and anti-Copt slogans and demanded the demolition of the church, saying the church was about to install a bell, which they opposed.” Nineteen Muslims were tried for fomenting sectarian strife and premeditated destruction to property and assault. One Christian, Eid Atiyya, who had owned the premises until he sold it in 2014 to the local parish, was also referred to trial on charges of unlicensed construction. “The court gave [the] 19 Muslim defendants a one-year suspended sentence and fined them LE500 [each], while fining [Atiyya] ... LE360,000 [about USD20,000].” The judgment, EIPR claimed, was consistent with the way the state has been handling such cases as it

⁸² See Egyptian Initiative for Personal Rights. “Civil Liberties Better than 2012 Constitution but Less than International Standards.” 11 December 2013. Available at eipr.org/sites/default/files/pressreleases/pdf/freedom_of_religion_and_beliefs_in_2013_constitution-eipr_position.pdf

⁸³ Supra note 62. Interview with Ishak.

⁸⁴ Ruth Michaelson. “Egypt Launches Raid on Libya After Attack on Coptic Christians Kills 26.” *The Guardian*. 26 May 2017. Available at www.theguardian.com/world/2017/may/26/several-killed-in-attack-on-bus-carrying-coptic-christians-in-egypt

⁸⁵ Reuters. “Egypt's Parliament Approves Three-Month State of Emergency.” 11 April 2017. Available at: www.reuters.com/article/us-egypt-violence-emergency-law-idUSKBN17D1SI?il=0

⁸⁶ “Reproducing the Status Quo: New Church Construction Law Consolidates Discriminatory State Policies and Confiscates Citizenship Rights of Future Generations.” *The Egyptian Initiative for Personal Rights*. August 31, 2016. Available at www.eipr.org/en/pressrelease/2016/08/31/2657

acquiesced to alleged community demands to shut down the Christian worship building after the attack “on the grounds that the church is unlicensed and thus in violation of the church construction law.”⁸⁷

The state’s failure to protect Coptic Christians from such targeting cannot be seen as separate from its lack of respect for religious freedoms; in fact, its discriminatory policies and strategies for dealing with religious minorities has only ever perpetuated sectarian strife. This was obvious during the Mubarak regime and it returned under el-Sisi once again.

The Beginning of the End: How to Ensure that There Will Never Be Another 2011

As soon as the tide began to turn and the openness that characterized the 2011-2013 period started to shrink with a gradual return to authoritarian rule, it became clear that whatever limited successes were made during this period were short-term, quick fixes that as we explained above, should not be dismissed altogether as irrelevant, but should not be blown out of proportion either.

In trying to reverse 2011 and everything that happened after the revolution, one key element in the military-dominated regime’s strategy was to depoliticize the society again and regain control over politics from above. Disconnecting and alienating NGOs and new activist networks (working on rights or democracy) was part of this strategy. As a matter of fact, and despite their relative weakness in actual terms and in social influence in particular before 2011, the crackdown against NGOs began even before all other actors in the public space - as early as the summer of 2011, when people were still taking to the streets, the media was still able to discuss whatever issues it wished, and political parties had started actively campaigning for the then upcoming parliamentary elections.

In April 2011, officials announced they would establish a fact-finding commission led by two judges to investigate foreign funding of civil society organizations in Egypt in the years leading up to the revolution and the role that funding played in supporting the revolution. In September 2011, the report was completed and referred to the Public Prosecutor’s Office for investigations.⁸⁸ Leaked versions of the report were circulated in the media and sensationalized.⁸⁹ A smear campaign ensued with officials invoking national pride and sentiment to draw a picture in which the U.S. government had supported these groups to undertake activities that would threaten the nation. On July 23, 2011 for example, General Hassan al-Ruwainy of the SCAF accused the April 6 movement of being spies

⁸⁷ The Egyptian Initiative for Personal Rights. “EIPR demands reinvestigation into attacks on the Kafr al-Wasilin church in Atfih, re-opening of the church for worship, and the speedy legalization of all unlicensed churches”. 1 February 2018. Available at eipr.org/en/press/2018/02/eipr-demands-reinvestigation-attacks-kafr-al-wasilin-church-atfih-re-opening-church

⁸⁸ Mohamed el-Galy. “Council of Ministers: More than 30 Illegal Organization Receive Illegitimate Funding.” *Al Youm al-Sabea*. 14 September 2011. Available in Arabic at bit.ly/2HlRm7U

⁸⁹ “Details Surrounding the Monies Received in the Foreign Funding for Rights Organizations Case.” *October*. 9 October 2011. Available in Arabic at www.masress.com/october/120334. See also: “Faiza Aboul Naga’s Testimony Reveals Sensational Details in the Foreign Funding Case.” *Al-Akhbar*. 13 February 2012. Available in Arabic at www.masress.com/elakhbar/65068. Comprehensive details on the report can be found here: “800 Million Pounds Foreign Funding for Political Purposes for Non-Governmental Organizations.” *Al-Akhbar*. 25 September 2011.

conspiring against the country with foreign money.⁹⁰ On the same day, during a demonstration near Abbasiyya, an EIPR researcher was kidnapped and accused of being a member of 6 April movement. His kidnappers told him that he would be reported and delivered to the military as he was a spy according to Ruwainy.⁹¹ In a very dramatic scene, on 29 December 2011, military police personnel stormed the offices of 17 NGOs – mostly INGOs - arrested a number of employees, confiscated folders and computers and shut down the offices.⁹²

“From the start, when dealing with NGOs, there were no attempts to liberalize the scene but to the contrary, there were attempts to shut down these NGOs,” says Mohamed Zaree, head of the Cairo office of the Cairo Institute for Human Rights Studies.⁹³ “While it was not clearly stated in the report of the fact-finding commission, there are clear insinuations that these organizations received money due to which chaos broke out in 2011, the revolution and all events that followed. The government was clearly saying we don’t want what happened in 2011 to happen again.”

The backlash from the prosecutions of 43 individuals,⁹⁴ mostly foreigners, probably led the government not to expand its crackdown. But that position changed in late 2014 when efforts to contain NGOs turned to legislative amendments that would make it harder for NGOs to receive funding, stiffen penalties, and increase grounds for prosecution. After the 2011 crackdown against the international NGOs, a group of the national NGOs started circulating their own version of a draft NGO law.⁹⁵ On the other hand, in April 2012, the Ministry of Social Solidarity presented its own bill.⁹⁶ The Freedom and Justice Party (FJP) which dominated Parliament submitted a third version in the early months of 2012 which was largely positive compared to the MoSS’ one. But no new law was promulgated. All the subsequent versions, including ones submitted by the FJP and discussions around the legislative amendments, with the occasional participation of a number of human rights organizations in discussions with government officials or politicians, failed to truly protect the ultimate goal for any such bill from the civil society perspective: freedom of association. “We had completely different visions and it was impossible for us to see eye to eye,” explains Zaree.⁹⁷ During Morsi’s time, NGOs even became part of a committee set up by the Minister of Justice Ahmed Mekki to draft a bill; the minister himself had visited the Cairo Institute to speak at a roundtable and had

⁹⁰ “Al-Ruwainy’s Intervention and his Comments About 6 April.” *Al-Jazeera Mubasher*. Uploaded July 23, 2011. Available at www.youtube.com/watch?v=0XSy-GqCX08

⁹¹ More details can be found at eipr.org/en/pressrelease/2011/07/28/1217

⁹² “Egypt Security Forces Storm NGO Offices.” *Al Jazeera English*. December 29, 2011. Available at www.aljazeera.com/news/middleeast/2011/12/20111229152611424630.html. The roots of matter seem to have been implanted as early as March 2011, when the US government announced it would disperse \$65 million to pro-democracy groups in Egypt triggering a strong reaction from Egyptian officials who criticized the US initiative to bypass the government in supporting these groups. See: Kristen Chick. “Why Egypt is Angry Over \$65 million in US Democracy Grants.” *Christian Science Monitor*. August 12, 2011. Available at www.csmonitor.com/World/Middle-East/2011/0812/Why-Egypt-is-angry-over-65-million-in-US-democracy-grants

⁹³ Interview with Mohamed Zaree, Cairo Institute for Human Rights Study. October 11, 2016.

⁹⁴ The backlash and outcry came mostly from international organizations and foreign governments. But even before the sentencing of the defendants in June 2013, the foreign defendants had fled the country in March 2012, causing great embarrassment for the Egyptian military and government. Some coverage of local condemnation of the ruling however can be found here: www.ahram.org.eg/archive/The-First/News/122132.aspx and here www.elmogaz.com/node/16749

⁹⁵ “Civil Society Revives an Old Draft Law on Associations After State Security Takes Over Control.” *Cairo Institute for Human Rights Studies*. January 18, 2012. Available at www.cihrs.org/?p=1009

⁹⁶ “A Bill to Control Civil Society and Place it Under the Authority of Government Bodies.” *Cairo Institute for Human Rights Studies*. April 11, 2012. Available at www.cihrs.org/?p=1970

⁹⁷ Supra note 90. Interview with Mohamed Zaree.

told the audience that there was no need for a separate NGOs law, as the Penal Code was more than sufficient to cover any transgression by these organizations. Ultimately, the NGOs that were members of the Committee withdrew as a sign of protest against the bill that was eventually put forward in its name.⁹⁸

After 30 June, Minister Ahmed Borei set up a committee that also included a number of human rights organizations. “The Borai committee worked initially very fast and effectively, and we were very flexible with our demands,” recalls Zaree.⁹⁹ “And then suddenly things started slowing down, so we took it as a signal [that this attempt would ultimately lead nowhere.]”

With the passage of the authoritarian demonstrations law in late 2013, all bridges with the government were burned. The draft that was finally signed into law was considered the worst compared to all previous drafts.¹⁰⁰ It places very restrictive conditions for establishing an NGO: it must be necessary for the needs of society, must ensure that this need or that type of organization has not been met/does not exist. The bill removed imprisonment as a possible penalty for violations under the old law but replaced it with hefty fines reaching LE1 million. Parliament approved the bill in November 2016, and on 29 May 2017 el-Sisi ratified it.¹⁰¹

One of the early problems that human rights organizations that were leading these efforts encountered was that even among other civil society organizations, freedom of association was not high on their agendas. Civil society organizations did not attempt to place this issue on the general political agenda either.¹⁰² The issue was also not a priority for political parties, which only spoke out randomly about the prosecutions of CSOs but did not engage actively in the tussle around the various NGO draft bills. In the media, from the start, many outlets believed in the conspiracy theory put forward first by the military and then subsequent governments and covered only sensational aspects of the investigations against NGOs, especially on foreign funding.

With no public momentum supporting the issue, and weak support from other stakeholders, it was the general atmosphere in 2011 and up until the military ouster of President Morsi in 2013 that protected the NGOs from a harsh crackdown. The public momentum in the streets, the independent media, and political battles between Muslim Brotherhood supporters and other political forces greatly weakened the ability of the regime and security agencies to act against NGOs, whether by enforcing the existing law or adopting a more restrictive one. This changed after mid-2013.

The other factor that shielded the human rights NGOs from the government-led campaign against them was the advocacy strategy these organizations adopted. “The drafts that were problematic we spoke out against, leaked to the press ... to place pressure on the government. We worked

⁹⁸ Supra note 90. Interview with Mohamed Zaree. See also: “Ministry of Justice Bill on NGOs: An Attempt to Dismantle Civil Society.” *Cairo Institute for Human Rights Studies*. April 24, 2013. Available at: <http://www.cihrs.org/?p=6418>. Last visited October 29, 2016.

⁹⁹ Supra note 90. Interview with Mohamed Zaree.

¹⁰⁰ Supra note 90. Interview with Mohamed Zaree.

¹⁰¹ “Egypt Issues NGO Law, Cracking Down on Dissent.” *Reuters*. May 29, 2017. Available at www.reuters.com/article/us-egypt-rights-idUSKBN18P10L

¹⁰² “Statement by the Forum of Independent Human Rights Organizations| Long Live the Egyptian Popular Revolution...Roadmap for a Nation of Rights and the Rule of Law.” *Egyptian Initiative for Personal Rights*. 12 February 2011. Available at eipr.org/en/pressrelease/2011/02/12/1097

collectively, this strengthened our position. The success we achieved was that we stopped the bad bills, but we were unable to push through a good one,” concludes Zaree.

Investigations under Case 173 which had started in 2011 were resumed in 2015, and by late 2016 as many as 13 leading human rights defenders had been banned from traveling and several of them had their assets frozen by court order. Their case, still pending as the paper was being written, could lead to indictments under new draconian legal amendments which could make them face life in prison sentences.¹⁰³

Similar to other issues discussed in this paper, the efforts of human rights organizations failed to secure any structural change that would protect freedom of association. Like with religious freedoms, these actors lost the battle early on. This issue however was compounded with weak support from all other prominent actors and stakeholders in the days following the fall of the Mubarak regime, and even among civil society organizations. The only success they could reckon with is that they had survived all the numerous attempts to shut them down.

Conclusion

What has traditionally been understood as comprising the human rights movement in Egypt changed in the aftermath of the 2011 revolution. In some ways, it still contained many of the same actors led by established human rights organizations which had been engaged in human rights work from as early as the late 1980s. It was mainly left to these organizations to formulate a human rights discourse and attempt to attract public and government attention using various techniques. The issues ranged from freedom of association or freedom of belief to systematic torture in the earlier years but expanded to include economic justice issues like access to healthcare, which came under threat due to neo liberal economic policies. There is no denying that some of the issues which lay at the core of the grievances leading to the revolution were those same issues tackled and at times, highlighted by human rights organizations: including legal victories around minimum wage,¹⁰⁴ health sector reform (social justice),¹⁰⁵ and documenting and successfully advocating for government pledges to act on police brutality (dignity).¹⁰⁶

The 2011 revolution however imposed its own set of issues on the country’s human rights agenda (like military tribunals for civilians or democracy and political rights). These were often of a more limited and short-term nature or scope and of a less interest among the wider public in a country where as many as 40% lived under the line of poverty. And while new issues were placed on the human rights agenda, some of the other issues were pushed down in terms of priority and not necessarily by the human rights actors themselves but probably due to the quick pace of unfolding events, high level of mass violence, and the incendiary confrontational environment that engulfed a

¹⁰³ More information can be found at eipr.org/en/pressrelease/2016/09/15/2661

¹⁰⁴ More information can be found at qadaya.net/?p=402

¹⁰⁵ In 2008, human rights activists managed to reverse attempts by the Ministry of Health to begin privatizing the health sector. More information can be found at eipr.org/en/pressrelease/2008/09/15/709

¹⁰⁶ In 2010, Egypt’s human rights record was reviewed by the UN Human Rights Council and many of the recommendations put forth by human rights organizations around police brutality were acknowledged and accepted. More information can be found at eipr.org/en/pressrelease/2010/02/19/559

country that had been stagnating politically for decades. This was clearly the case with freedom of religion and belief as well as freedom of association, which due to the intricacies surrounding each of the two issues, there was never really much of a chance to achieve any progress on them. As a matter of fact, both freedoms became more regularly violated and disrespected over the following years.

In some ways, human rights organizations continued to play the same role they had assumed before the revolution: advocating, publicizing, raising awareness and monitoring and documenting. In some instances, human rights organizations (even though they were not legally recognized as such) were invited to partner with government bodies in introducing legal amendments (both before and after the revolution). But there was one way in which the revolution changed the way human rights organizations went about doing their business: the revolution created a heightened interest by the public at large in engaging and being proactive in pushing for change and for their rights. In the immediate aftermath of the revolution, there was a lot of momentum to introduce reforms and to change institutions and practices that were previously seen as immutable. Specifically, battles that were previously lost by human rights organizations were refought with more success with the momentum and heightened public interest and support. Before the revolution, groups working on sexual harassment or police brutality for example, found it very difficult – largely due to security restrictions - to mobilize and garner public momentum around their work. Ultimately, it was this public momentum which led to success in the sexual harassment area, and made police brutality a priority issue even if there were very little success in reforming the security sector. The ability of other stakeholders and other independent actors – like political parties, the media, and the civil society at larger – to engage with each other and with the public and human rights organizations on these issues was a pivotal factor on how much progress could be realized on any of these issues.

The removal by force after public unrest of former President Morsi and the installation of a military-dominated regime in 2013 put an end to this upswing and pushed Egypt's human rights actors in the following four years into a defensive corner, with some struggling just for survival and several defenders having to leave the country. As with the Mubarak regime, some limited individual success stories can still be made during this new authoritarian era. But in all the case studies examined, this new authoritarian regime has proved more repressive and resilient and would most likely limit whatever potential and impact human rights organizations could have – and particularly if the new regime decided to continue its crackdown against NGOs or to eliminate them altogether by implementing the new laws.

ABOUT THE AUTHOR

Soha Abdelaty has 15 years of experience working on human rights nationally, regionally and internationally in various organizations.

ABOUT ARI

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

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