

Report on Economic, Social and Cultural rights in Egypt

Contributors

<ul style="list-style-type: none">• Egyptian Center for Economic and Social Rights	<ul style="list-style-type: none">• Egyptian Foundation for the advancement of Children
<ul style="list-style-type: none">• Association for Health and Environmental Development	<ul style="list-style-type: none">• Association for the Right to Education
<ul style="list-style-type: none">• Center for Unionist and Workers rights	<ul style="list-style-type: none">• Land Center
<ul style="list-style-type: none">• Haby Center for Environmental Rights	<ul style="list-style-type: none">• Center for Egyptian Women Legal Aid

Editor: Elahamy El Mirghany

2012

Introduction

Economic and social rights were among the factors that lead to the 25th of January revolution. Bread and Social Justice were at the fore front of the Slogans raised during the revolution. Since 2005 Egypt witnessed many social contests calling for economic and social rights, the right to adequate and just work, the right to Education and the right to housing and pure water.

Thus, organizations which participated in the writing of the report tried to present the different aspects addressed by each of them, the evolution of legislations organizing each right and the authorities responsible for implementing it, and the types of violations of each rights and methods of resistance and social organizing. Gender perspective represents a main component in all economic and social rights addressed by the report.

The participating organizations did not restrict themselves to their own reports, rather tried to access main sources of data. However, we were faced by variant problems with regards to transparency, freedom of circulation of information, the presence of multiple authorities producing data relevant to the different rights addressed in the report.

We tried our best to draw a picture that reflect the reality of Economic and social rights in Egypt 2012, after two years of the 25th of January Revolution

The report working group

1. The Right to Work

Article 1 of the ILO convention 122 on Employment policy¹, emphasized the following:

With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

The said policy should aim at ensuring that--

- a) There is work for all who are available for and seeking work;
- b) Such work is as productive as possible;
- c) freedom of choice of employment should be available, and so is the fullest possible opportunity for each worker to qualify for, and to use his/her skills and endowments in, a job for which he/she is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

Thus, the ILO conventions specified the necessity that the work should be productive, and that the worker should free to choose the work that suits his/her qualifications and skills, to receive paid annual leaves and equal pay without discrimination between men and women, and the right to collective bargaining as an essential aspect of work relations.

Local legislation and laws

There are multiple laws relevant to the right to work:

- Labour law no. 12 /2003, and related decisions. It covers workers in public, private and public business sectors.
- State civil servants' law no. 47/1978, and its amendments and related decisions, and all periodic books produced by the Central Authority for Organizing and management on the implementation of the law.
- Social insurance law no. 79/1975, its amendments and periodic books. A new Law (135/2010) was promulgated before the 25th of January revolution, but its enforcement was postponed to the 1st of January 2013. .
- Law no 75/1964 on Health Insurance for governmental workers, and the national authorities and institutions and local administration units.
- Law 32 /1975 on insured curative system for governmental employees, local administration units and national authorities to be decided through a decree by Minister of health.
- Law 35/1976 on Workers trade unions and its amendments
- Law prohibiting strikes and sit ins issued by the military council March 2011.

¹ adopted in 9 July 1964, and enforced in 15 July 1966

Labour law no. 12 /2003

The Labour law is considered the most important of laws organizing labour relations in Egypt. The promulgation of the law was preceded by signing a document by both the governmental workers union and the business men association which included commitments against workers' interests. The law was met by a substantive resistance from the workers to many of the articles of the law, and also by pressures from the International Monetary Fund (IMF) and World Bank (WB) to haste its promulgation. The law in its current status works for the interests of Business men.

Violations to the right to work:

- 7.4% of governmental employees, 9.1% of workers in the public sector, 25.4% of private sector workers (within the establishment), 74.6% of private sector workers (outside the establishment) and 76.9% of workers in the investment companies, *work in jobs with temporary and unfixed contracts*.
- 2.1% of governmental employees, 4.3 % of workers in the public sector, 59% of private sector workers (within the establishment), 98.5 % of private sector workers (outside the establishment) and 11% of workers in the investment companies, *work without legal contracts*
- 4.9% of governmental employees, 6.5% of workers in the public sector, 57.6% of private sector workers (within the establishment), 87.7% of private sector workers (outside the establishment) and 18.79% of workers in the investment companies, work with no social insurance
- 6% of governmental employees, 9.8% of workers in the public sector, 72% of private sector workers (within the establishment), 99.3% of private sector workers (outside the establishment) and 31.9% of workers in the investment companies, work with no health insurance
- 56.2% of governmental employees, 59.8 % of workers in the public sector, 88.7% of private sector workers (within the establishment), 93.6% of private sector workers (outside the establishment) and 78.6% of workers in the investment companies, are not members of workers or professional unions

Women in the Labour Market:

Three laws have articles on women's workers right. These are: law no. 1978 for civil servants, chapter 5 of child law 12/1996 and labour law 12/2003. The legislative reality reflexes the wide gap between legal texts and implementation. It also reveals that the regime does not adopt clear policies to enable women to work, and take women's reproductive role into consideration. This role is treated as a personal issue for women and not as a social function, and consequently a social responsibility shared by parents and relevant governmental institutions to protect and empower women to carry out such a role.

The three laws are unified in requiring 100 female workers in the establishment to commit the employer to establish a nursery, or contract a nursery owner to provide care for the children of female workers. Stipulating 100 female workers in the law opened the door for employers to get around the law by keeping the number of appointed female workers less than 100. Moreover, many of the governmental and private establishments violate this article without being held accountable by the relevant monitoring authorities.

The unified labour law, article 4 (b), excluded domestic servants and agricultural female workers from legal protection, and consequently depriving them from all their legal and unionist rights.

The number of women headed households is rising in Egypt. They represent a considerable category of the poorest of the poor. This category includes widows, divorcees, abandoned wives, second wives, wives/sisters/daughters of intermittent, unemployed, disabled workers, in addition to wives who are responsible for the highest share in the family income. Estimates vary greatly about the magnitude of this phenomenon. Some studies estimate it as representing 23% of families in the Egyptian society, other studies shows it ranges between 16-22% increasing to 25% amongst the poorest strata.

Women heading households suffer from multiple economic, social, health and legal problems. Economically they are more prone to poverty and inability to access services and financial support. Socially, they suffer the negative attitude of the community towards them and their double roles, particularly in case of divorced or abandoned women.

Female domestic servants

The unified labour law 12/2003 represents the legislative root and public law that governs Egyptian work relations. However, and in an exception to the general rule, the law explicitly excluded "domestic servants and alike" from its provisions. It is worth noting that such rule is not a new one, but was adopted by previous labour laws, e.g. Law no. 41/1944 and the decree law no. 317/1952.

From our perspective, we think that privacy is not a valid justification to deprive domestic savants from the protection provided by the labour law provisions. They should, at least, be provided with a legislation that offers them proper protection that doesn't contradict with private nature of their work. Some NGOs, succeeded last year to support domestic workers in establishing independent trade union, as a beginning for this category that had been denied the right to organize for long time.

Defending the right to work

Over the years, civil society organizations managed to achieve many big gains on the road to defining the right to work:

- A judicial ruling obliging the government to define minimum and maximum wages. However, more than two years, this ruling has not yet been implemented.
- Judicial rulings annulling all stages of the workers unionist election (2001-2005) and 2006-2011. Again, the government refused to implement these rulings.
- Judicial rulings to restore some of the public sectors companies which were sold, e.g. Steam Boilers, Tanta Linen, Shebine al-koom Yarn, Omar Effendi, Egypt for Cotton Ginning, yet the government refused to abide by the court decisions
- Judicial ruling with demanding the return tens of arbitrarily fired workers to their jobs

Advocacy campaigns and mobilization

The campaign: “Together for the law on unionist freedoms”; began 2008 and included 12 political parties and 27 civil society institutions and protest movements. The campaign succeeded in formulating a draft law on unionist freedoms.

The campaign: “No for the destruction of livelihoods”, challenged the arbitrary decisions against workers and unionist leadership. These arbitrary decisions mounted to more than 1127 decision. These included 180 against female worker, and 20 against unionist leaders. The campaign organized many protests and issued a campaign report and managed to return some of the laid off workers to their jobs

The campaign: “Public job law”, prevented the promulgation of a proposed law for public jobs making them temporary ones

The “right to health“ campaign; challenged the law on privatization of health insurance, and managed to get a court decision to stop transforming the governmental authority of Health Insurance into a holding company. Since 2006 till now all efforts to pass the health insurance law has failed. The campaign also called for increasing governmental expenditure on health to 15% of the state’s budget.

Obstacles facing the implementation of International lab our standards in Egypt

- Weakness of organized unions
- High unemployment rates and poverty
- The nature of the government (businessmen) and their pressure on the government
- Disrespect of the government to its international commitments and non implementation of international conventions
- The business men hostile position towards trade unions and collective work agreements.
- The lack of knowledge among trade union leaders with regards to the ILO mechanisms of action, and how to use it efficiently to support their unionists struggles.
- Economic changes due to restructuring and adoption of market economy and privatization, which lead more than half a million of workers to early pension and expanded the provision of temporary employment
- The Unionist traditions that avoid direct pressures on the government particularly if the complaint has to be at the international level
- Lack of serious and effective tripartite consultation (workers, government, employers). The dialogue is often between the government and business owners who have organizations defending their interests as the industry federation, Chambers of Commerce, business men Associations, etc; while workers unions Re often excluded and not consulted on matters concerning workers interests.

2. The right to social Security

Egypt knew different stages in the evolution of insurance legislation to cope with economic and social changes. Since 1854 Egypt adopted the civil pension system for governmental employees, i.e.

more than 150 years ago. Reviewing the situation of social insurance and the width of the social insurance coverage many facts will be revealed

Social Security Legislation in Egypt

The 1971 constitution included several article on social security:

Article 7

Community is based on social security

Article 17

The state guarantees health and social security services and pensions for aging, unemployment or inability to work for all citizens according to the law

Social Security laws

- Unified social security law for public and private sectors and governmental employees. Law no. 79/1975 unified the social security and pensions laws for governmental employees with social security law for employees in the public and private sectors.
- Law no. 135/2010 transformed the social security into a saving system and broke down the social solidarity as the essences of the system. Enforcement of the law was supposed begin by January 2012, and then postponed to January 2013. The law raised the age of retirement to 65 instead of 60 years in current law, deprived the insured from the sickness insurance which was included in law 79/1975. Pensions' holders' movement are seeking to stop the law and annulling it.

Insurance for Employers and similar groups

The insurance coverage was extended to employers according to law 61/1973, as from 1/11/1973, then it was replaced by the law 108/1976 as from 1/10/1976

Social Insurance for Egyptians working abroad

The insurance coverage was extended to Egyptians working abroad who are not insured nationally according to law 74/1973 as from 1/11/1973, which was later replaced by law 50/1978 as from 1/8/1978.

Comprehensive social Insurance

Law no. 112/1975 (enforced as from 1/1/1976) on comprehensive social insurance for irregular categories of employees was replaced by law no. 112/1980 as from 1/7/1980

In 2006, the ministerial decree no. 272/2006 appropriating social insurance funds, private funds according to the law, to the state public treasury. This procedure was unconstitutional. Currently, there is a lawsuit high constitutional court to contest the legality of appropriating the pension funds, private funds that belong to those insured, to public treasury

Social Security Pensions

The pensions provided by the Ministry of Social Affairs include what is known as the Social Security Pensions. It was introduced through the law 116/1950, the first law stipulating that social care is a right for the underprivileged. The law was amended in 1964 by law no. 133. The social security system did not require earlier contributions to receive such kind of pension.

The social security system was modified by law 30/1977, and was known since as “*Sadat’s pension*”. The law was then modified in 2000 by law no. 87, and was named “*Mubark's pension*”.

Many categories benefit from this system; orphans, widows, divorced women and her children in case she dies, marries or imprisoned, disabled, never married women as from the age of 50, and families of prisoner (for periods not less than 3 years) .

Current situation of social Insurance in Egypt

Although work force in Egypt increased from 19.5 million workers in 2001, to 26.2 millions in 2010, yet the number of those insured under the different social insurance systems decreased from 17.9 million insure to 16.7 million during the same period. This reflects the presence of a sizeable number of Egyptians outside the different forms of social security umbrella² .

The value of insurance subscriptions paid by Egyptian workers, increased from 13 billion LE in 2001 to 27.6 billion 2010. 57% of these subscriptions were paid by governmental employees and 43% were paid by the workers in the organized/none organized private sector.

Such figures reflect the imbalance in the distribution of the burden of social insurance. The governmental employees who represent 23% of the work force pay 57% of the social insurance; while 77% of workers in other sectors (private, public, investment) pay only 43%. This weakens value of pensions received by workers in other sectors.

For the year 2010, there are 7.9 million who received insurance pension in Egypt. 2.6 are direct beneficiaries and 5.3 are their heirs.

The laws, since 1980, oblige the Social Insurance Fund (SIF) to transfer the surplus of its money to the National Investment Bank (NIB). Neither the accumulated funds nor their interests were paid back. If the interests were calculated at the rate of 5% annually additional revenue 15 billion LE should have been paid annually to the SIF. It is worth noting that the Egyptian Central Bank interest rates are calculated at 10% annually (2010). This means that the SIF deficit could have been covered, and even more, an extra surplus of 12 billion LE could have been achieved.

Governmental statistical reports show that 9.8 million workers in the private sector outside the establishments do not have any insurance protections³

1.2 million Workers receive monthly social security pension of 100 LE (16.5 US Dollar per family). After the election of President Morsey, July 2012, the social security pension for families of 5 persons was raised to 300 LE (50 US Dollar) per month.

² Central Authority For Public Mobilization And Statistics. Annual Statistic Book, September 2011. Table 17-1

³ Central Authority for Public Mobilization and Statistics (CAPMAS). Collated annual bulletin on work force research, 2010, April 2011, page 27

Civil Society and Social Security

Many popular groups were established to defend pensioners

- Committee for the Defense of pension and protection of insurance rights 2004. After the revolution it became the Pensioners Solidarity and Defense of Insurance Rights Union. .
- Pensioners Federation, it was registered before the revolution as the independent Pensioners General Trade Union. It has branches in all the governorates of Egypt.
- The movement of defense pensioners.

These groups used litigation to defend pensioners' rights

- Lawsuit no. 32168/61 judicial year, by *Hisham Mubark* Law Center to provide evidence and publish the NIB budgets to acknowledge the real values of cumulative dots for the insurance systems.
- Lawsuit no. 28631/60 judicial year, by *El Hilaly* Foundation for freedoms, to challenge the unconstitutionality of the Presidential Decree on the abolition of the Ministry of Social Security and annexing the Insurance Authority to the Ministry of Finance.
- Lawsuit no. 7196/63 judicial year, by Professor Ahmed El Boraey and *Khaled Ali* challenging the unconstitutionality of annexing insurance funds to the state Public Treasury.
- Lawsuit no. 8535/2008, by *El Hilaly* Foundation for freedoms demanding that the pensioners' social allowance should be equal to that received by the workers in the State and without a ceiling.
- The resistance movement used demonstrations and sit-ins to demand pensioners rights, and the movement won a lawsuit on equality between pensioners and workers in the state in terms of the social allowance in 2004

The pensioners' social movements call for:

- Upholding to the current social insurance system as a non-profit social solidarity system which covers all hazards identified by Law No. 79 / 1975 and applying it to all workers (employed and temporary), raising the minimum pension to 1200 LE (220 dollars /month), and resolving problems of calculating the variable wages.
- Rejecting law No. 135/ 2010 and demanding its cancellation
- Separating pensions under law 112/1980 form intermittent employees, Sadat's pension, Mubark's pension and the social security pensions from the Social Insurance Authority's budget and funding them from the public treasury and other funding sources assigned by the law; and raising the pensions in accordance with inflation.
- Cancellation of the Presidential Decree 422/2005 which abolished Ministry of Insurance and annexed the authority to Ministry of Finance
- Abolition of the Ministerial Decree 272/2006 on annexing pensions funds to the public treasury.
- Annulment of forcing the Social Insurance Authority to deposit the surplus subscribers money to the NIB, and committing the government to declare the NIB budgets to attain transparency.

- equality between pensioners and workers in the state in terms of the social allowance and periodic allowance as a matter of law without need to an annual Ministerial decree
- Providing pensioners with an annual social allowance that is no less than the inflation rate and without a ceiling.
- Extension of health insurance coverage to all pensioners and their families, and improving the quality of services without burdening them with extra charges
- Including all agricultural workers, mine workers and those working in fisheries in health and social insurance systems in accordance with prices levels
- Applying social insurance system to temporary workers and allowing them to move their insurance file as is the case with construction workers

3. The right to Education

During 2011 there were more than 17.5 million students in Egypt studying in more than 45.8 thousand schools and 441 thousand class rooms⁴. In addition 2 million students are studying in 18 governmental and 19 private universities.⁵

Educational double standards and multiplicity of Educational approaches amongst Governmental, private, foreign, technical and religious (al *Azhar* Schools and university) are becoming a complex problem for the Egyptian –Arab nationality. Poor students would not receive the same quality of Education that their peers in private schools, which complies with international standards. Thus, the Egyptian education is in serious crises that threatens nationality, loyalty and believe because of the multiplicity of approaches and foreign studies that are not monitored by the state.

Dr. Mohammed *Abdel Dasher El-Tieb*, an ex-dean of school of Education, Tanta University says, “No country in the world does what Egypt is doing to its education. The Egyptian education is imported and subjected to other cultures. Moreover, the religious (*Azhary*) education would not allow regular students to enroll since it only accept those who have been graduated from *Azhar* secondary schools, which means that some of those who have excellent grades would not be able to be enrolled to al *Azhar* medical or engineering high schools. This lead to rising demands that *Azhary* education should be restricted to theological studies only⁶

Despite the fact that constitution stipulates free public education, fees were introduced by the law 139/1981, in addition to expansion in establishing governmental experimental schools. Moreover, the state introduced the system of university affiliation with annual fees 265-400 LE fees ranging between, and also teaching in foreign languages in some of the high schools with fees 1850-4000 LE.

Educational Laws in Egypt

The laws regulating education in Egypt include:

Educational law 139/1981

Law155/2007 on amendments to law 139/1981, which acknowledged a special cadre for teachers

⁴⁴ Ministry of Education (MOE) annual statistics book, 2010-2011 page 1

⁵ CAPMAS, annual statistics book 2011

⁶ Al Ashram daily, Double standards and educational impasse: 7 types of education that are not subject to state control or oversight

Quality and accreditation law 82/2006

Universities' organizing law 49/1972

Law 101/1992 of establishing private universities

Campaigns advocating the right to Education

Parent's protests on increasing education fees began 2008, followed by campaign against the dissolution of national institutes (cooperative schools since 1909) which have 39 affiliate schools. The dissolution of national institutes was part of the privatization process. Parents protested more than once against corporal punishment, and against extra curricular books that became part and parcel of the corrupt educational process.

Teachers began to challenge the cadre law since 2007 and organized several sit-ins when the Teachers' Union was under governmental control before the revolution, after which the Moslem Brothers group took over the union. So, the teachers tried to establish their own independent organizations as a way to organize their protests; e.g. Teachers Union, union leagues, teachers without union group. The first independent teachers union was established few days before the 25th of January revolution, followed by other independent teachers unions. They call Ed for general strikes twice in 2011 and 2012, calling for the urgent of settling the teacher's cadre. The Egyptian Teachers' Federation summarized their demands on September 10, 2012:

- 1- Fair salary that keeps the teachers' dignity (begins with 3000 LE) and comprehensive criminalization of forms of private lessons
- 2- Increasing the basic salary to constitute 80% of the total salary
- 3- Pension should be equal to the last received salary
- 4- Tenure for all who have temporary contracts

Also, the independent university movement began since 2005, and then was later transformed to the 9th of March movement for the university independence. University professors indulged in multiple social protests for developing education and decent salaries. They managed to get a court ruling to expel the university guards and preventing the police from playing any role within the universities. They organized a public conference (March 2012) where unified demands were agreed upon:

- Raising faculty members salaries to reach to the maximum salaries within the state
- Ensuring independence of universities and prohibiting interference in their affairs
- Including teaching assistants as faculty members
- Ensuring free education
- Review the quality projects
- Refusal of the universities' organizing law prepared by the Minister and Consultative Council, and election of 10 faculty members from each university to take responsibility for preparing the law.

On May 2012 representatives of some university professors independent organizations (university graduates for reform, the 9th of March movement, federation of teaching staff and assistant body in *Mansora* university, federation for teaching assistants in Egyptian universities, the 16th of April

movement, *Ain Sahma* university independence movement and the committee of the general conference in *Banha* university) agreed upon the following demands:

- Resignation of the Minister of High Education who ignored their demands and got around it
- Refusal of the Minister's proposals and getting rid of all currently appointed leadership, election of new leadership according to the system agreed upon by faculty members of Egyptian universities without any interference from the executive authority
- Prioritizing higher education and scientific research as a top priority for the state in the current period to enhance the development process, with emphasis on the following practical steps:
 1. Increasing allocations for higher education and scientific research in the 2011-2012 budget to no less than 2.5% of the national income
 2. Approval of immediate salary increase to guarantee dignified life for faculty members and to guarantee stability of the educational process and concentration of university professors on its development
- Adoption of just demands of teaching assistants

While the University professors were able to achieve some gains and improving their incomes, school teachers are still fighting for improving their conditions. And all are working for increasing governmental expenditure on education and its comprehensive development of the educational process from nurseries to universities.

4. The right to Health

Egypt has a huge health infrastructure which includes 660 governmental hospitals with 99.3 thousand beds and 927 private hospitals with 25.9 thousand beds; in addition to unknown number of hospitals run by charitable associations. The governmental hospitals are distributed among different sectors: Ministry of Health (MOH), Educational Institutions, Health Insurance Authority, curative Foundation, universities, police, prisons, armed forces and other authorities like the Electricity, public transport, rail ways and Egyptian national bank.

The social health determinants suffer a significant deterioration. With regards to housing; more than 11 millions inhabit 1221 slum areas, missing all basic health attributes. The family expenditure on housing rose from 16% in 2004/2005 to 21% in 2008/2009. The average share of water per capita decreased from 1138 cubic meters per year in 1986 to 860 cubic meters in 2003 is expected to reach 582 cubic meters in 2025.⁷

A study of the Egyptian Nutrition Monitor shows that 62.4% of the sample does not consume meat, 22.6% do not consume fish, 6.3% do not consume fruit, 87% do not consume natural butter and 56.2 do not consume milks⁸. This missing healthy nutrition is reflected on the health of the poor; infant mortality rate is 42/1000 live birth among poor mothers compared to 17/1000 among rich mothers. Thus, social determinants of health impact the right to health in Egypt, particularly in light of increasing poverty rates which the World Bank admits that it exceeds 43% of the Egyptian population.

⁷ CAPMAS, Egypt in figures , 2011 income and expenditure

⁸ Center For Information And Decision Making Support. Indicator Of Egyptian Food. December 2011, page 94-101

Health Insurance legislations

The first law was law 75/1964 on health insurance for workers in governmental, public authorities and local administrative unites. It was followed by law 32/1975 on curative insurance system for workers in governmental, public authorities and local administrative unites as decided by a ministerial decree from the health Minister. The, came law 79/1975 on the unified social insurance, which included specific measures relevant to work incidents and disease insurance. The categories included in the law are:

- Civil servants in the state's administrative system and public authorities, institutions and relevant economic unites and other public sector unites
- Workers covered by the labor law provisions except for workers in the fields of reconstruction shipment and unloading
- Pensioners and widowers

In 1981, the prime minister decree 1/1981 allowed widows receiving pension according to law 79/1975 to benefit from health insurance provisions in return to paying monthly subscription from the pension.

A new era began with the law 99/1992 on health insurance for school students, covering all the educational levels from kindergartens to secondary schools of all types. Children who were not enrolled in schools or those dropped out of schools were not covered by the health insurance umbrella.

Ministerial decree 380/1997 dealt with optional health insurance for preschool children. In March 2012, women heading households receiving social insurance pension were included under the health insurance umbrella.

Health insurance covers 47 million citizens, i.e. 58.8% of the Egyptian population in 2011/2012. Most of those who are not insured (41.2%); work in the informal private sector.

A CAPMAS report in 2011 shows that 6% of government employees , 9.8% of public sector employees, 72% of private sectors workers within the establishment and 96.3% of the private sector workers out of the establishment are not covered by health insurance.

The successive governments since 2004 tried to issue a new law to privatize health insurance, however, these efforts were challenged by the civil society and the committee on the defense of the right to health which was established 2006. The government proposed project, supported and financed by the US AID and World Bank, tries to transform the social health insurance to a commercial one breaking the current service package provided by the current system into multiple packages and force patients to pay part of the cost of treatment, drugs and surgical operations; a matter that constitutes a clear violation of the right to health in a country where poverty levels exceeds 43% of the population according to the World Bank reports.

Privatization of health services in Egypt

The privatization of health began long years ago through the "cost recovery project", then the "quality enhancement programs". Those were followed by establishing the economical treatment system dividing free treatment cost according to working hours and expansion of governmental treatment system to cover chronic illnesses and major health issues e.g. open heart surgery, joints' replacement, kidney dialysis, liver and cancers treatment, as a palliative for the deteriorating level of health services in public hospitals.

In 2003 the World Bank provided an assessment of the achieved progress and designed a new strategy to enhance the privatization of health care. In 2004, the National Democratic Party annual conference discussed its vision for health. This vision included services' packages to be covered by health insurance and the complementarily between governmental and private sectors. The discussion put emphasis on decentralization and separation between services and financing. The Ministry of Health adopted these policies in its successive projects to issue the health social insurance law.

Privatization of governmental health services have been going on for years through many stages: reducing free treatment section in public hospitals, establishing "economic treatment" section, and renting operational theaters to private sectors for some days in the week. Thus goes on the privatization of health services and preventing Egyptians from their right to health, and even violation of this right repeatedly under the auspices of international financing institutions.

In the past few years the MOH took big successive steps towards privatization which included:

- Prime Minister decree 637/2007 on transforming the public authority for health insurance into holding company for health care. However, the committee on the defense of the right to health and human rights organizations managed to freeze its implementation till now. The Administrative court ruling stated in its merits that "the health insurance preside the ways and expressions of the right to health, one of the human rights acknowledged by laws and legislations regulating human rights at both the domestic and international levels, for its close link with the right to life. Through guaranteeing health care, the state prevents the possibility that the right to health be a subject for investment, bargaining or monopoly".
- Presidential decree 139/2009 on establishing the Egyptian Ambulance Authority
- Ministerial decree 373/2009 on pricing of human pharmaceutical preparations on the basis of the prices in 36 countries and not on the basis of cost /effectiveness
- Joint decision of Ministries of health and local development 674/2010 on issuing the essential list for hospitals and health care and family health centers and unites under the local administrative unites
- Ministerial decree 428/2010 on regulating paid treatment in hospitals and educational institutions of the public authority for hospitals and educational institutions.

Instead of developing and enhancing the quality of health services, sustaining free treatment and providing appropriate salaries for health workers; the health was transformed into an investments sponsored by the government seeking to rent the health establishment to flu and foreign capitals and to the Egyptian private sector.

Diseases indicators in Egypt

- Percentage of Short-stature children under- five general percentages is 18% (21% for upper Egypt), and under-weight children 4%
- Simple anemia among children (6-59 month) is 27.7%, moderate anemia 20.6% and severe anemia 0.3%.
- Acute reparatory tract infection among children under five is 11% in urban setting, and 8% in rural settings, 6.8 % in lower Egypt and 10.7% in upper Egypt

- Renal failure due to unavailability of pure water. The government stated that 13 governorates get unclean water, in addition to problems of decreased water quantities.
- 20% of population is estimated to be infected with hepatitis C virus. Egypt is facing a real threat of the merging of both viruses C and B with its huge disease burden in the coming 20 years.
- Despite the fact that there is now legislation to regulate organ transplantation, organ trading is spreading and Egypt is considered as the third country in this regard

Therefore, the Egyptian right to health is violated, a matter that lead physicians in Egypt to organize public strike in all governorates twice during 2011 to increase the government expenditure on health to 15% and improve physicians' salaries and allowances which has not materialized till now.

Human rights centers monitor the many violations to the right to health trying to privatize health services and transform health services into profitable projects. Physicians and nurses spear head the social powers addressing the right to health violations and seeking to provide quality health services appropriate to income levels and burden of disease in Egypt

The right to health campaign

The campaign has gone through different stages:

Stage one:

The campaign began since December 2005 against the proposed law on health insurance which was supposed to be adopted by January 2006. A position paper was issued and uploaded on several website of civil society organizations and 11 newspapers, and 15 meetings were organized in 5 governorates throughout 4 months (till April 2006). The result: withdrawal of the proposed law.

Stage two:

This stage began after the Prime Ministers decree on establishment of the holding company for health care and formation of the "Committee for the Defense of the Right to Health" (CDRH). Objectives of the campaign were

- Stopping the deteriorating health services
- Increasing governmental expenditure on health
- Stopping privatization of health services

Under the slogan "Right to health .. Right to life" a demonstration was organized in front of the Parliament on 5th of June 2007. In October 2007 a national conference was organized to protect Egyptians' right to health and issued the Egyptian Declaration on the right to health. The declaration was signed by 50 organizations which included: 9 political parties, 2 professional unions, 2 workers unions, NGOs and social movements. Another stand in was organized on the opening of the parliament (November 2007). The campaign was culminated by the ruling of the Administrative court to stop the implementation of the Prime minister's decisions 637/2007

Stage three:

More national conferences were organized in 2008, 2009, and 2010. The last conference statement was signed by 63 organization which included 11 political parties, workers and professional unions and civil society organizations. Furthermore, many protests were organized in front of the

parliament ending with a big one on May 2010 calling for increasing health expenditure to 15% of the governmental expenditure. The movement managed to work jointly with the “Physicians without Rights” group that was established 2007. The campaign was based on litigation and advocacy through the annual conferences and use of media to question the governmental policies and calling for transparency.

After the 25th of January revolution, the CDRH issued its 19th statement calling for immediate comprehensive social health insurance for all sectors of the population, increasing health expenditure to 15%, integrating all hospitals and governmental authorities into one health insurance structure that should not be for profit with enhancing the quality of services, drugs and treatment of patients. The statement also called for improving the conditions of physicians and nurses working in the health sector through implementing the minimum wage level (1200 LE) and limiting the maximum wages to 20 fold of the minimum wage to fight unjust privileges and corruption.

Physicians without Rights

The group was established in May 2007 calling for special cadre for physicians. It organized stands in the Medical union, the Journalist Union and in front of the Parliament. The group joined forces with the Right to health campaign.

After the revolution, the group organized two strikes in 2011. It also nominated some of its members to the Physicians’ union elections some of whom were elected both in the Medical union’s general and governorates’ councils. The general coordinator of the group Dr. Mona Mina became a member of the general Physicians’ union council in 2011.

The general Physicians' Syndicate called for general strike in October 2012 with the following demands:

- Approval of the special cadre for physicians, so that the physician salary begins with 3000 LE/month.
- Increasing expenditure on health to 15% of the national budget
- Immediate issuing of a law to protect public hospitals and increasing punishment for attacking hospitals
- Fighting corruption in the Ministry of health.

The Physicians’ strike is still going on as a tool for defending the right to health. Medical students in Cairo University organized a stand in protest in solidarity with physician’s strike.

5. The right to Housing:

According to the constitution, laws and state’s public policy, housing is a commodity and not a right. No explicit reference to housing as a right neither in the 1971 constitution nor in the Constitutional Declaration 2011. Housing was only implied in some of the texts, e.g. article 10 in 1971 constitution stating “The state guarantees protection for motherhood and childhood, care for youngsters and youth and provides them with appropriate conditions”. Thus the text includes the basics of care and protection which might implicitly include the right to housing. The 2011 constitutional declaration, article 10 stipulates “houses have sanctity and should not be entered or searched without a prior justified judicial order in accordance with the provisions of law”. However, it does not guarantee citizens’ right to have appropriate housing, and does not make the state accountable for providing housing to its citizens, particularly the most needy ones.

National legislation

In Egypt there are multiple laws relevant to the right to housing:

- Law no 4/1966 regarding rental of residential areas, and law no 6/1997 between tenant and landlord
- Law no 230/1996 on the right of none Egyptians to own real estates, buildings and land in Egypt
- Law no. 10/1990 on expropriation of property for public benefit

Slums: self efforts between disregard and coerced eviction

The state's role in providing citizens with housing with suitable prices is clearly deteriorating as evidenced by the budgets allocated to housing and by the failure of the national housing project to provide housing with prices suitable to low income citizens. This forced citizens to resort to self – efforts; slums or informal areas, areas where citizens cooperate in ensuring, through self-efforts without counting on the state, their needs of electricity, water and sanitation and service provisions (from planting trees to sanitation). Some statistics show the increasing number of citizens living in slums from 14% of the total population in 2004 to 18% in 2012.

Governmental policies towards slums began in the 1990s, and ranged from forced evacuation to trials to develop slums through providing water or electricity. However, these polices failed

Forced violent eviction with no alternative

The state not only ignored its citizens living in slum areas, but also targeted their poor areas and houses to forcefully evacuate them. In many cases, forced evictions were not accompanied by compensations or providing proper alternative housing, which reveal that evictions were not carried out for the sake of population or to provide more humane residence, But with the objective of getting hold of areas where the land prices were increasing for example in *Bolaqu* and other areas. The evictions were forced without consultation with the inhabitants, without providing them with compensation or alternative residence and through using violence. For example the destruction of ceramics workers in “old Cairo”, and demolition of houses in “*al Marge*” without a prior order for what the police called “public interest”. This shows a pattern:

- 1- Not informing citizens formally with the demolition order or date of the eviction, just taking them by surprise as if they are not concerned
- 2- No negotiation with the population with regards to compensation, appropriateness of the alternative housing (usually the amount of compensation is not enough to rent a new flat, or the alternative housing far from their working areas)
- 3- Lack of transparency, and deliberate hiding of information, so that the government is not obliged to enter into collective negotiation on compensations with the inhabitants
- 4- Routine use of violence and detention by the police to intimidate the inhabitants and force them to accept forced evictions

The ICESCR specific the conditions that should be followed before any eviction:

- Providing chance for real consultations with those affected

- Properly informing those affected before the date of the eviction
- Providing information related to the suggested evacuation process, and of the intended purpose for using the land or houses. Such information should be available to all those affected in appropriate time.
- The presence of governmental officials or their representatives during the evacuation, particularly when groups of populations are concerned
- Proper identification of all persons handling the evacuation process
- Evacuations should not be conducted during bad weather or during night, unless those affected agree otherwise
- Providing access to legal aid for those who need it in seeking redress before courts

Reviewing the cases of expulsions and evacuations, it is clear that the above measures were missing. Usually, the eviction orders are kept secret and the slums inhabitants are rarely informed before the eviction begins. Such secrecy, naturally, prevents the implementation of many of the international standards. For example, it is impossible to have consultations with those affected in the light of such secrecy. Article 26 of the local governance law, is another obstacle to achieving such standards. Article 26 stipulates that “the governor can take all measures for protecting the state’s public and private property; and removal of any transgression through administrative orders”. The seriousness of this article when we take into consideration law 10/1990 which stipulates that the state has the right “to expropriate buildings for public interest and provide compensation according to the law. This article provides a legal loophole that can be abused, which actually happened repeatedly.

Amnesty International stated that the current Egyptian law does not

- prohibit forced evacuation
- provide specific guarantees to be followed in evacuation cases, particularly when evicting persons from state owned land, or they do not own
- stipulate real consultations before evacuation with those living in unplanned areas
- state the provision of providing proper notification for those affected by eviction from state owned land, contrary to cases of expropriation of property for public interest
- require identification of all persons handling the evacuation process, or government officials who should be present during evacuation, despite the fact that this actually happens
- prohibit evacuations during bad weather or during night, as this could expose those evacuated to more risks
- The Egyptian law and the housing situation in have gone through some changes:
- The housing policies in Egypt had ignored the poor and low income populations, even in project that claimed to support low-income populations, e.g. the national housing project (NHP) launched by the Ministry of housing 2005. The NHP allocated 500.000 housing units for low-income youth, yet it was middle class youth who actually benefited from the project, since low income youth could not afford the costs that we beyond their financial

capabilities. As a result of such total disregard to the poor and low-income population who represent half of the Egyptian population, they resorted to slums to deal with housing crises

- The government's policies towards slums changed from forced eviction to trials to develop slums and provide them with water and electricity during the nineties. Despite the different projects for extension in the desert and moving the slums' populations to proper houses in the desert, these projects failed for multiple reasons, most importantly they did not provide for transportation and service provisions needed for living in remote areas
- Tendency of the state and private sector to provide owned (not rented) housing, especially with the transformation to the capitalist system and the adoption of privatization policies where the state tended to avail wide areas for luxurious housing.
- Forced eviction of the population in *Al Marge* and *Ain Helwan*, without discussion, under threats of the police, without compensation and without providing alternative housing, is a policy that was repeatedly used with many slum areas.

Cairo 2050 and Egypt 2052:

Cairo 2050 Scheme is the best illustration of the state's policies on housing and the redistribution of the population of Cairo and *Giza* to new cities around them, such as *Helwan* and the 6th of October city. This scheme also aims to build more cities to reduce the current pressure on existing cities. The existing plans include building two cities (one million inhabitant each), with the aim of transferring all the slums' inhabitants outside Cairo, so that it can be free of illegal areas before 2050.

This scheme has several stages. The first plan includes evacuation 33 districts randomly before 2015. Supposed to be available to residents of these areas 35 700 housing units in the cities of October 6 and 15 May and will be delivered these units for free in addition to providing health services for women and literacy programs for all families.

This scheme was announced in 2008, yet, no steps were taken in the capital relocation project during this period. In April 2011, the Minister of Housing stated that the Greater Cairo 2050 development projects were frozen as "it is not a priority for the state at the present time." Despite such a statement the Minister , ordered the confiscation of *Ramlet Bulaq* area, making use of the legal loophole, i.e. law 10/1990 regarding "expropriating buildings for public interest".

With the rule of president Morsey, the 2050 project took another name with the same content and became "Egypt 2052". The Urban Planning Authority, Ministry of housing, began planning of the 2052 project under the previous Mubark's regime. The shortcomings of the Cairo 2050 project, i.e. forced evacuation were clear since the beginning:

December 2010: Demolition of some buildings in the "*Maspero*" area, and forced evacuation of some families before providing them with alternative housing

March 2009: Destruction of 30 houses and Evacuation of 400 families and relocating them in the 6 October city.

September 2008: Forced evacuation of 104 families from *Istabl Anter* area, and relocating them to Orascome Housing. The houses were not ready and had neither water nor electricity. When the families tried to return to their slums, the police forced them to stay in the new houses.

March 2010: 2000 families from the areas of *Istabl Anter* and *Ezbet Khaiallah* were transferred to Orascome Housing (6 October City). However, some of the families moved back to the slums as the

site is far from their sources of income, basic services including health services and markets, costly transportation and lack of work opportunities.

We can conclude from such events that

- Lack of any kind of consultation with the inhabitants of evacuated areas
- No studies for alternative methods other than evacuation to address the slums problems
- No guarantees that the state will fulfil the promised conditions
- No proper incentives for the inhabitants of the slums to move to other areas.

Empty Houses in Egypt

As a result of such unfair policies, the percentage of empty or locked houses in Egypt is 28%-30%. Meanwhile, around 596.000 kiosks, tents, huts etc are being used as “houses”. Looking into these figures it is hard to say that the housing problem in Egypt is total a result of limited resources. If resources are used in a practical way, it could facilitate solving the housing problem. For example, taxes on Empty or locked would provide billions of Egyptian pounds that could be used for solving the housing problem

6. The right to Pure water

A) The Legal framework for the right to drinking water

The Constitution

The 1971 constitution and the March 2011 constitutional Declaration stipulate that the state is committed to the international documents Egypt had ratified.

Article 16 of the 1971 constitution commits the state to provide social, cultural and health services that require the provision of water.

Laws

- Article 2 of the consumer protection law, stipulates citizens’ right to health and wellbeing and access to information related to goods and services (including water of course)
- Presidential decree 2703/1966 on establishing the Water Supreme Committee
- Law 27/1987 on regulating water public resources required for drinking and human use.
- Minister of health Decree 301/1995 on criteria of water intake and protection from pollution
- Minister of health Decree 458/2007 and its annexes on required standards for drinking water and domestic use

B) Authorities responsible for the drinking water and waste water management and its powers

The latest cabinet introduced a new Ministry, the Ministry of Drinking water and waste water management facilities. This ministry will supervise different authorities and organizations responsible for drinking water and waste water management that were supervised previously by the Ministry of Housing. These include:

1. Public Authority for Drinking water and waste water management

Until 1981, drinking water and water waste projects were managed by the Public Authority for Drinking water and the Public Authority for waste water management as part of the Ministry of Housing and Utilities.

In 1981, the presidential Decree 197 established the National Authority for Drinking Water and waste water management; bringing both previous authorities together, supervising all the state's governments except for Greater Cairo and Alexandria.

2. Holding Company for Drinking Water and waste water management and its branches

Within the context of privatization of public utilities and implementation of international funding institutions, the company was established according to the presidential decree 135/2004. The purpose of establishing a holding company according to article 2 Para (b) of the presidential decree: "Purification, desalination, delivery, distribution and sale of Drinking water; and collection, treatment and safe disposal of wastewater.

3. Executive Body for Drinking Water and waste water management

Was established 1981, governed by the decisions and regulations governing executive bodies for construction projects. Projects within the mandate of the executive body are monitored through its management board composed of representatives of Ministries and authorities and headed by the Minister of Construction (currently, Minister of Housing Utilities and Urban Communities).

4. Regulatory agency for Drinking Water, waste water management and Consumer Protection

It is one of agencies under the Minister of Housing Utilities and Urban Communities. It was established by the Presidential Decree 136/2004. It is responsible for "ensuring the availability of drinking water and waste water management services at highest quality and suitable price in accordance to the state's policy in this regard, and committed to the protection of environment and public health"

The CAPMAS Press release, June 2012 provided important statistics:

- The average amount of produced pure water in 2011-2012 per capita declined to 106.8 cubic meters compared to 134.7 cubic meters in the previous year, i.e. by 20.7%. The reason, according to CAPMAS, was the interruption of some production stations due to renovation and substitution processes.

- The average amount of consumed pure water in 2010-2011 per capita declined to 87.4 cubic meter, compared to 05.8 cubic meter in previous year, i.e. by 17.4% , due to rationalization of consumption.
- The pure water stations' production during 2010-2011 declined to 8.5 Billion cubic meters, compared to 10.5 billion cubic meters during the year 2009-2010, i.e. 18.9%. The same reason, the interruption of some production stations due to rennovation and substitution processes was given as a justification.
- The total network's loss of produced pure water during 2011-2012 was 1.5 billion cubic meter (18.2%), compared to 2.3 billion cubic meter during 1009-2010 (21.5%)

Violation of citizens' right to access safe drinking water

The CAPMAS report shows the continuation of the different forms of contests on water cuts and it poor quality. These included: demonstrations, blockage of roads; complaints, stands, and threats to file lawsuits. This reflects the nature of changes in Egypt in general and the growing protest culture. The following table illustrates the types of protests.

Types of protests January 2010-June 2012

#	Type of protest	Number of protests
1	Stands	18
2	Blockage of roads	11
3	Threatens to block roads	4
4	Complaints to the police	3
5	Inquiries	2

Habi Center for Environmental Rights and Studies (HCERS) summarized the violations as follows

- 1- Unsafe water, (color, smell, and impurities)
- 2- Continuous water cuts, and if water is available this happens for one hour or two during night
- 3- Extra costs due to the need to use eclectic motors to get water
- 4- Financial burden, each family pays more than 10 LE/day to buy water
- 5- Having to pay for water regularly despite the fact of continuous water cuts
- 6- Kidney failure is increasing

HCERS had addressed the holding company for drinking water, Ministry of Housing and the Egyptian Environmental Affairs Agency (EEAA).

Conclusion

It has been shown through this report how social and Economic rights of Egyptian citizens are violated through an arsenal of legislations that limit and violate these rights', and through unfair allocation of resources that leads to increasing poverty and unemployment. This constitutes an explicit violation of social and economic rights, which Egyptians counter, act through hundreds of protests and organizing to defend social and economic rights.

On the other hand, the consecutive governments issue legislations criminalizing peaceful protest and impose tens of restrictions on the right to organizing, which illustrates the link between the lack of civil and political rights and the violations of social and economic rights.

As was clear, the rise of political Islam to power after the 25th of January revolution, didn't alter the social and economic rights violations, on the contrary, the frequency of violations increased and the same old polices of the previous regime continues with an Islamic tinge, and so continues Egyptians' cry for bread, freedom and social justice

Rights and Liberties in the Transitional Stage in Egypt
The Role of the Civil Society in the Democratic
Transition

Mohamed El-Agati

The Executive Manager of the Arab Forum for Alternatives

Research Assistant: Rania Zada

Edited by: Ayman Abd El Moaty

April 2013

Introduction

When the Egyptian revolution started on the 25th of January, 2011, it raised some mottoes, “Living, Liberty, Human Dignity and Social Justice”. These demands cannot be achieved except through a system based on liberty and rights on the legislative and political levels of meaning. The abovementioned process is the core of democracy and the system that should be implemented and attained in Egypt during its transitional stage. Indeed, democracy is the means of achieving liberty and developing human rights. If the democratic system does not fulfill its goals, it becomes futile ‘raison d’être’. It is thus altered to another system called” ELECTRAL ATHORITAIANISM”. Such systems accommodate diverse political parties on both the local and national levels; nevertheless, these systems strip elections of effectiveness. Consequently, the “Electral Athoritaianism” system emerges even if many elections were called for. This proves that free and fair elections need a positive atmosphere and suitable conditions, otherwise, these elections would be mechanisms that support and legitimize totalitarian systems as was the case during Mubarak’s era, rather than being mechanisms that support democracy.

This system cannot be established, maintained nor could its implementation be supervised except through an effective role played by the civil society. Indeed, this society played a vital role that paved the way for the Egyptian revolution because of the following: It contributed to the spread of the culture of democracy and citizenship. It also played an effective role in the resistance of oppression of the previous regime. As a result, some of the activists of the society had to encounter dreadful consequences. In addition, the society played a direct role in unraveling fakeness of the so called ‘democracy’ during Mubarek’s regime, through the supervision and close inspection of the electoral procedures, revealing the violations and forgery especially in the last elections (2010) in Mubarek’s regime. These elections ‘closed the door’ and prevented real political work because of the monopoly of the ruling political party of the parliament. Moreover, the role of the civil society was distinguished during the last ten years as evident in the work of trade unions, organization of local committees, and campaigns in diverse fields relevant to the daily lives of citizens, as for example, citizens’ rights to public services (healthcare and water distribution) etc. Through this type of work, the civil society supported civil rights that the regime had wasted. During the revolution, the civil society got involved in more than one type of work like: documentation of the diary of the revolution, keeping records of incidents of human rights violations and attempts to form committees to investigate and reveal the truth about these incidents. It also asked for the release of young people who have been detained on January 25th. Besides, the society monitored the work of the government and evaluated it. During the revolution, many of the organizations of the civil society tended to bond together under the motto “Jointly working for the sake of Egypt” in order to support people who were intimidated by the revolution whether economically as a result of provisional closing of their workshops, stores, cafes, factories or others who had health problems because they were injured during the revolution.⁹ On the other side, many movements and campaigns that promote liberties and rights of citizens were organized by civilian committees and organizations. Those went out during the days of the revolution to organize demonstrations and strikes in order to ask for people’s rights.

There is an attempt to support the role of the civil society in the new era in Egypt, in addition to a strong desire to overcome the challenges that this era is imbued with, as far as the conceptual meanings are concerned, especially that the current authority has reduced all concepts to that of a ‘voting box’. It is true that a ‘ballot voting box’ is one of the essential mechanisms of democracy, but definitely it cannot achieve democracy alone. Within the framework of the abovementioned

⁹ Mohamed Mokhtar Kandil, The role played by the civil society in Egypt in the transition towards democracy, 2012 on the following website. <http://www.ahewar.org/debat/show.art.asp?aid=334314>

liberties and rights, liberty can be perceived as a practice that is mainly based on diversity, tolerance and acceptance of the other. The present regime practices suppression of liberties and wastes rights through the organization of campaigns that distort treaties and agreements of the previous regime, in addition to laws that protect these agreements. Moreover, the present regime continues to follow the same economic and social policies that were prevalent in the past.

Accordingly, in an attempt to avoid repetition of the previously mentioned in reports about the distinguished analysis of the pre revolution system, this final report presents an analysis of the system of liberties and rights that was touched upon in the previous reports, in addition to the constitutional and legislative arrangements that are relevant to both post the January revolution era and the new constitution. This report deals with a critical presentation of the constitutional, legislative and organizational arrangements that are bound to liberty of the societies, and individual and communal rights. It explains the role of the civil society in the process of transition to democracy and sheds light on the experiences of the civil society in other countries that have gone through similar circumstances. Moreover, it introduces a group of campaigns that might set examples in order to realize how to address or put pressure on public authorities.

In order to attempt all these issues, this report is divided into two parts. The first part pivots around rights and liberties as far as the current conditions are concerned, the relevant legislative framework and their compatibility to international criteria or successful experiences in this field. The second part deals with the civil society and the role it plays in the democratic transitional process and its relationship with public authorities in Egypt. It touches upon the accomplishments of the civil society in other countries and evaluates the role of the Egyptian civil society as far as these accomplishments are concerned. This report ends by some recommendations that are relevant to the abovementioned issues in order to activate the role played by the civil society whether by reinforcing or developing its performance in a way convenient for the post revolution stage.

Part One: Rights and Liberties after the Revolution in Egypt

Rights and Liberties that are mentioned in previous reports are categorized into four main groups:

- Labour Rights: These include the right to work and social insurance.
- Rights to public services: These include the rights to education, healthcare, housing, and clean drinking water.
- Rights to Organize: These reflect the freedom of the civil society, political parties, and trade unions to have the freedom to express their opinions and organize peaceful demonstrations
- Citizenship Rights: These entail the right to participate in public life, elections, the right to circulate information, freedom of belief, freedom of practicing religious rituals and women's rights.

This part investigates the conditions of these rights and the most important challenges that these rights encounter. It tackles the legislative aspect connected to the constitution and relevant current or suggested laws.

Chapter One: Liberties and Rights in Egypt- Development and Challenges

Major problems that occur within the context of types of liberties dealt with could be traced. Although these problems belong to pre revolution times, however, the present regime, after two years and half since the beginning of the revolution, has exerted no effort to reform planning or implementation strategies. The issue became even more critical as new challenges related to practices and the nature of the political regime began to emerge.

First: - Labour Rights

The economic expert, Ahmed El Sayed El Naggar, affirms that labour rights were wasted during Mubarek's era. Furthermore, no development in the field of labour rights was attempted during the era of the Supreme Council of Armed Forces and the current government shows no interest in development as well. ¹⁰ Increasing rates of unemployment is a distinguished sign of failure during Mubarek's era especially that the rate of unemployment increased from 3% at the beginning of his regime to 30% according to Al Mostakela.¹¹ El Naggar clarifies that disguised unemployment is worse than real unemployment. As for social insurance in Egypt, like in many other countries in the Middle East and North Africa, encounters numerous challenges some of which are consequences of the way it is currently designed. For example, although membership in the social insurance system is obligatory by law, still a big sector of the workers in the Egyptian job market, whether those who work for wages or those who are running their own private businesses are not members of the social insurance system. This sector that represents 44.5% of labour force in the period between 2000 to 2007 is called the unofficial sector (Gatti et al, 2012). Youth, women, and owners of small private businesses, are mostly working without social insurance coverage. This goes back to the following reasons: First, as for those who work for wages, the owner of a business might try to avoid paying membership taxes for employees as these taxes are relatively high (40% of the of the insurance

¹⁰ Ahmed El Sayed El Naggar, Comparing the poor in the era of Mubarek and Moursi: The Slums continue and the present regime is more loyal to the international capitalist system. A seminar held in the Center of Communist Studies in January 2013 on the following link: <http://elakhbar.akhbarway.com/news.asp?c=2&id=173310>

¹¹ Khabeer: Increasing rates of unemployment is the sign of failure in Mubarek's era. April 16th, 2011 on the following link: <http://www.arabnet5.com/news.asp?c=2&id=86715>

wage of the employee). The employer has to pay 26% of the basic salary of the employee, in addition to 15% of the employee's changing wage.¹² These percentages are considered among the highest percentages worldwide (Cho et al, 2012). Accordingly, the cost of the insured employee is much more than the cost of the uninsured employee. This derives many businessmen to avoid insurance especially if their employees were young people with little experience.¹³ In addition, the existence of a maximum wage in the system leads those who earn small wages (less than the maximum wage) to a kind of membership that obliges payment for the total amount of their wages. However, those who earn more than the maximum wage, they attain a membership by paying for parts of their high wages that exceed the maximum wages stated.

Therefore the abovementioned reflect the most important problems connected with Labour Rights in Egypt. These are summed up in three main violations:

- 1- Labour and social security are not available to all citizens in Egypt, whether total security that covers for unemployment or lack of social insurance or partial that addresses disguised unemployment or partial insurance of wages.
- 2- Labour and social security are completely conditioned by the needs of the job market that underestimate needs for development and needs of citizens. Therefore, the rights of job choices are nonexistent. Moreover, available jobs may not conform to academic degrees or individual experiences of citizens. According to the above criteria, Mubarek's regime exceeded the limits of practices to a cultural level that promotes concepts that support these violations.
- 3- Social class and gender discrimination prevailed in the field of labour rights and social security issues as relevant. Moreover, this discrimination in labour rights was extended to include religion as well.

As evident from the analysis presented in the previous reports, there are a number of reasons of the above. These reasons are as follows:

1. Lack of awareness and weakness of trade unions' organizational system of parties concerned (the government – owners of businesses and workers/ employees)
2. The nature of the current political and economic systems which is based on principles of New Liberalism. It goes further to reach monopoly and contributes to a bond between power and capitalism. This was evident during Mubarek's regime and still exists at present.
3. Lack of respect of international commitments and agreements existed during Mubarek's times. The problem becomes more serious after the revolution as the 'Rightists' organize campaigns to distort these agreements, claiming that they are conspiracy mechanisms; a concept that they all are obsessed by.¹⁴
4. Deficiency in distribution of social burdens related to work, wages, security and insurance. This could oblige weaker parties to avoid commitments in return of rights. Thus, people waste their own rights because they cannot afford more burdens of commitments or because these burdens are against social justice norms.

¹² The changing wage is any wage that is added to the basic wage stated. It includes bonuses, incentives etc.

¹³ Irene Selwanes, A Social vision of the Egyptian Social System: Challenges and suggested reformation, Arab Forum for Alternatives, Rawafed Publishers and Distributors, 2012, p. 6.

¹⁴ Ibid

Second: Rights to public services:

Deterioration of aspects related to citizens' rights increased when the government initiated the process of privatization in Egypt. This process began in the middle of the 70s, but the effective steps were taken in 1996 when a new government headed by Kamal El Ganzoury was authorized to start a privatization program. The new ministry started to promote a program for privatizing firms of the public sector in Egypt. This idea appealed to many countries in the world and exchange bonds increased in the stock market. Generally, the state concentrated on total rather than partial privatization. As a result, the establishments that were privatized gained more importance till the middle of 1998. During that time, the government started to decelerate the procedures of the privatization program due to a number of economic reasons like shortage in liquidity or problems of foreign currency and the negative performance of the Egyptian stock market.¹⁵

The rhythm of privatization remained slow from 2000 till 2003. Between 2002 and 2003, only 10 privatization acts were completed with a total of 346 million pounds as compared to an annual average of 30 transfers of a total value of 2.3 billion pounds in 2003. On the other hand, the conditions of the market were hard because of the Iraqi crisis, the critical situation, loss of job opportunities, and the nature of the remaining firms that were not yet privatized (for example: infrastructure, banking sector and insurance sectors). In some cases, the critical financial positions of these firms burdened the intended outcome of privatization. Floating and decreasing the value of the Egyptian currency, afterwards, were important incentives for investment of Egyptian assets.

The Egyptian authority was determined to continue its commitment to achieve progress in the field of privatization. It expressed its desires that investors of the private sector would increase their capital shares in the privatized firms owned by the country. In 2003, the ministerial privatization committee approved a plan of privatization for the financial year 2002- 2003. With the exception of the Suez Canal Authority and the Egyptian Agency of Petroleum, most of other firms owned by the state were financially losing and consequently had to be restructured. Firms ruled by the ministry of Labour Forces lose about 1.8 billion per year. The authority attempted to search for a solution in order to settle the dues of commercial and industrial firms owned by the state that reached about 27 billion pounds (the real figure is near 40 billion pounds or about 10% of the total of local production)¹⁶

This policy was extended to services. The amount of money paid by the International Bank to The Arab Republic of Egypt for the development of what is called Health Insurance is 75 million dollars. For implementation, there had to be a new policy for health insurance that was supposed to establish the National Agency of Health Insurance. This National Agency was responsible for executing the project. It was estimated that Egypt could gain great economic and financial profits through the development of a system that regulates levels of use and costs of health insurance system in case quality service, new clinical practices, convenience of available sources, and long term memberships were granted. All of the abovementioned could have been possible if investments were capable of generating enough income. The developmental aim of the project is achieving perpetual efficiency and financial sources for the health insurance projects.¹⁷ Official announcements that aim at privatization of health insurance point out that the costs of health services have to cover and better still should aim at making profits. The new system was supposed to achieve the long lost quality by separating funds from services that are offered by another private

¹⁵ Mohamed Omran, The Performance of State –Owned Enterprises and newly Privatized Firms: Does Privatization really matter? The Arab Academy for Science and Technology and the Arab Monetary Fund, p. 3-4

¹⁶ Economic Review of EU Mediterranean Partners, EU Commission, 2004, <http://europa.eu.int>

¹⁷ Official Document of the Project of The International Bank for the Development of Health Insurance in the Arab Republic of Egypt

or public organization. The idea that fund raising and services are necessary for creating a balance between resources and expenses was underestimated.¹⁸

Privatization of Education:

According to Presidential instructions, the law 82 was promulgated on June 5th, 2006 in order to establish the National Accreditation Association. This evoked some doubts because of the following: the association presides over all governmental and non-governmental educational institutions except for language schools. It promotes exchange programs with international organizations to guarantee quality education, deals with education institutions as independent entities, separate from the ministry and its administration, members of the board are not allowed to oppose its policy, determines services and consultancies offered by the association as resources.¹⁹ At the same time, two campaigns were organized; one media campaign about a free of charge education and another real campaign that opposes free education as students were obliged to pay unlawful tuition fees for a parallel, more attractive and easier system of education. The latter is mainly offered to wealthy students, regardless of their educational level, who could afford paying tuition fees of private universities, departments that offer 'special' education programs, open learning and languages departments inside the educational institutions.

These are two examples only, but there are many others in different service sectors like communication that was mentioned in various contexts in other studies, electricity, garbage collection, and water. We referred to the Presidential decision number 135 on 27/ 4/ 2007 about the transformation of the Public Association of drinkable water and sewage into a holding company, one step before privatization of this service²⁰.

As mentioned in previous reports, these rights encounter a number of suspended complexities. These are:

- 1- **Availability:** In spite of the availability of infrastructure of education and healthcare services, the construction of vital residential projects, or other water supply projects that are essential elements, still the rate of expansion of these services is not proportional to economic development and population growth. This lead to shortage in the aspect of infrastructure in addition to deficiency in the performance of associations responsible for providing quality, quantity and furnishings necessary for the supply of these rights. Over populated classrooms in schools could be a good example of the above. As for health issues, the report prepared by the central organization of public mobilization, 2011 shows that 6% of governmental employees, 98% of employees in the public sector and 72% of employees in the private sector do not have access to health insurance coverage. Lack of fair distribution plays a vital role in the above. This is specifically evident in the rights of housing.
- 2- **Quality:** There is a necessity that infrastructure, products, and relevant services would be practically and culturally of good quality. Indeed, quality is missing in these rights to a great extent. To improve quality, suppliers and equipments have to be scientifically certified. The central organization of mobilization and statistics studies the case of the right of citizens to

¹⁸Ibid pp. 129-132

¹⁹ Elhamy El Marghany, Ragaai Moussa "Privatization of the services and new liberal policies", The Center of Developmental Support, 2007. pp. 86-89

²⁰ Mohamed El Agati, Privatization Political services and resistance campaigns. It is found on the following link <http://is.Gd/nqgoLB>

drinking water in Egypt by tracing the problem in daily newspapers from January 2010 till June 2012. The results of this case study clarify how Egyptian citizens have been suffering from lack of tap water for long hours and probably days or months and sometimes for two years. The case study identifies the type of problem and elements that would lead to high costs of services.

- 3- **Accessibility:** all citizens should have access to their rights without discrimination. They should be able to use the infrastructure, reach needed products and services relevant to education and healthcare. However, there are four interrelated obstacles that prevent accessibility. The first kind of obstacles is related to social class discrimination, gender and sometimes religious. Second, some hospitals, schools are unaffordable for some citizens in addition to shortage of water infrastructure. Third, there is deterioration of financial affordability of housing especially after the abovementioned privatization laws. Fourth, the nonexistent or difficulty in reaching information in the Egyptian case is another obstacle that will be dealt with when the issue of the citizens' rights of circulation of information is discussed. As for the right to accessible drinking water, there are different reasons for lack of accessibility, cutting off the line of water distribution, explosion of the main water pipe, maintenance and repairs of main pipes, disorders of electric power that prevent levers from carrying water to water stations or high floors in buildings.²¹

Third: The Right to Establish Organizations:

The citizens' rights to establish organizations are clearly stated in the constitution by a constitutional court's provision that explains methods of establishment of organizations. This is an element closely connected to liberties and rights. It reads as follows:

"The right to organize falls within the scope of the discretion exercised by the legislature in accordance with objective grounds and for considerations of public interest. These rights, however, could turn to be an issue that contradicts constitutional laws and major objectives, if wasted or reduced". Generally, the right to organize has sent many NGOs during the procedures of their declaration to court where laws have placed many restrictions on them. The last of these restrictions is the current law (84, 2002), that includes many administrative constraints and restrictions that begin with the stage of establishment, choice of names for NGOs, specification of activities, declaration procedures and clarification of internal policies. In addition, the political environment that ensures implementation of the law is hostile to freedom of organizational establishments. NGOs were exposed to violations throughout the past years especially during the revolution of the 25th of January while protests and oppositions were increasing day after day. Security authorities, therefore, directly interfered to close organizations, ban activists from travelling outside the country, or cancel activities of NGOs.²² After the revolution of the 25th of January, more freedom was attained to establish parties and no obstacles were traced till present times except for abandoning work of parties inside universities. The trade unions work freely and new independent ones were established.²³ However, organizations of local and foreign civil society are still suffering from issues of security restrictions. For example, last year there were attacks on a group of organizations accusing them of spying and placing illegal communication with foreign countries. Other problems occurred because organizations started to work before obtaining their work permit. The rights to organize demonstrations and freedom of expression that the Egyptians have worked hard for ten years to attain, was attacked either directly by the authority or by other

²¹ The first report, The social, Economic and Cultural Rights in Egypt

²² The third report, Civil and Political Rights in Egypt during the transitional stage

²³ There are some legislative problems that are discussed in chapter two of this report

groups supported by the authority, only three months after the revolution. These attacks are represented in the following:

- Security forces were using violence with protestors throughout, whether during the events of Mohamed Mahmoud Street, or Port Said incidents. They used gas bombs, cartridges and bullets that lead to a number of deaths that exceeds the number of deaths during the revolution.
- Dissolution of demonstrations and sit-ins by force and civilians were arrested by unauthorized forces. One of the most striking examples is Al Etehadaya events when protestors were sitting in front of the Presidential Palace. The so called supporters of the regime gathered their youth who used violence against protestors in sit-ins and arrested some of them as well.
- Preventing freedom of expression: More than 600 reports and 1000 complaints were written against journalists and other media professionals, some of which were proposed by the Presidential administration. This number exceeded the number of reports presented throughout 30 years of Mubarek's regime. In addition media people, especially photographers were targeted and were exposed to death by bullet weapons during their attempts to cover incidents in Egypt.²⁴

As evident here and in previous reports, there is a conflict between attempts of preserving what photographers have obtained after exerting effort to maintain their rights and the suppression of these rights by both the authorities and the counter revolution people equally.

Fourth: Citizenship Rights

The concept of citizenship assumes that citizens have rights and duties within the general political framework that s/he belongs to. The social fabric in all developing countries was and still is a traditional one characterized by being tribal, or religious, or local, or lingual, or racial. Indeed this has negatively affected the sense of belonging, national loyalty and lead to the superficiality of common national institutions. It leads to a kind of discrimination between citizens of the same country with regards to practices and legislations equally.²⁵ Coincidentally, a modern developing country contributes to weakness of the individual's awareness and dominance of the individuality as opposed to a group, sectarian awareness. This leads to deceleration of speed of constructing a modern country. It also delays integrity, fairness of practices and legislations on one hand and promotes discrimination among citizens of the same country on the other hand.²⁶ This contributes to discrimination between types of bonds: the inherited traditional bonds that accommodate relationships and geographic neighborhood on one hand and optional bonds that are related to a national horizon.²⁷ Egypt suffered from oppression during Mubarek's regime that hoisted the motto of 'citizenship' in one of the annual conferences held by his political party, although in

²⁴ Moursi superseded Mubarek in suppression of media freedom, The Arabic Net for Human Rights: Targeting the Judiciary at present is more than at times of the Ousted President, net April 3rd, 2013. Available on the following link <http://is.gd/vDZIn4>

²⁵ Fadia Kiwan, "The Civil Society in Lebanon and the Construction of a Democratic Country", in Lebanese Studies presented to Joseph Meghazel. Dar El Nahar Publishing house and Joseph Meghazel's Foundation. Beirut, 1996, p. 109.

²⁶ El Hermasy Abdel Baky, "The Civil Society and the State in the Western Political Practices(from the 19th C till present: A comparative Study) in The Civil Society in the Arab World and its Role in Achieving Democracy. The Center of Arab Union Studies. Beirut, 1992, p. 102.

²⁷ Wagih Kawtherany, "The Civil Society and the State in the Arab History", in The Civil Society in the Arab World and its Role in Achieving Democracy. The Center of Arab Union Studies. Beirut, 1992, p. 119.

reality, it stirred up dissension among citizens to achieve superiority. Apparently, it jeopardized values of national unity and accused many Egyptians of being disloyal to their country on two levels of meaning, the religious and the racial. The religious is evident in the story of Coptic Egyptian immigrants and claims about their relations with the West. The racial level of meaning is apparent in stories about inhabitants of Sinai and the Nubians. Social class discrimination determined important employment opportunities in the country. In addition to the above, there was discrimination in public services especially in the field of education (language sections inside National universities) and the field of healthcare (sections for open treatment in public hospitals).²⁸

It seems that that the right to participate in public life has attempted positive strides after the revolution of the 25th of January. However, what have been witnessed after the constitutional Declaration in December, 2012, indicates retrogression possibilities especially that the legislative environment in Egypt continued to be unsuitable for the production of electoral process that coincide with the ambitions of the Egyptians who desire fair elections. One of the important issues is that we have to develop new mechanisms and experienced administrative agencies capable of implementing regulations and laws of elections. However, interference of the Ministry of Interior Affairs in the process of elections is unacceptable because of its negative impact on elections that took place for many years in the past. To achieve justice, modifications should include the rights to litigate and submit appeals to the committee that supervises elections.²⁹

As for the right to circulate information, in spite of the fact that Egypt developed some laws and ratified agreements, still practical application is different from theoretical reality that reveals the unexpected corrupt involvement of the previous regime. The political, social and economic corruptions lead to information blackout on pretext of maintaining public security of the country. Indeed this caused weakness of performance of institutions that were supposed to question and monitor the Egyptian government or circulate information that would raise awareness among the public. To ensure control over media institutions, a law was promulgated to dismiss any journalist that “threatens the safety and security of the homeland” from his/her job. On the surface, this might appear to be logical, but from a deeper perspective, one would realize that ‘the safety and security’ are those of the President and his people. Thus, the President himself used to have an unlimited right to litigate whoever he wants. The Agency of Information and Statistics was protected by many bureaucratic laws to the extent that it was extremely difficult for a citizen to find needed information that would accuse the government, something that we still suffer from, especially as relevant to trials of accused people of the previous regime. All types of information are hard to obtain even the nonpolitical. Hiding information became an integral part of the Egyptian culture to the extent that the agencies concerned have become too idle to produce or update information. The supervisory bodies are not independent of executive authorities and therefore, these cannot monitor the performance of the government. Even if these institutions managed to monitor the work of the government, they cannot, by any means check on its performance. The legislative aspects that will be dealt with in the following chapter are not the only deficient aspects, but deficiency is extended to the structure of the government. There are no mechanisms that guarantee transparency that should, in its turn, contribute to freedom of circulating information. Furthermore, the poor performance leads to contradictory information that is produced by the same entity. On the cultural level, confidentiality and lack of awareness of the citizen of his rights of finding information and realizing the importance of the information have greatly developed during the past decades in Egypt.³⁰

²⁸ Mohamed El Agati, *The Law of Resisting Discrimination... The Way to Citizenship. the Arabic Studies of Alternatives*. June, 2011, p. 3.

²⁹ The Third report. *The civil and political rights in Egypt during the transitional stage*

³⁰ Global Partners and the Arab Forum for Alternatives, *Transparency, International Criteria and the Egyptian Case*, Proceedings of the Conference, Rawafed Publishing House, December, 2011, p.55

The approach of the state deals with citizens' rights to freedom of belief and practices of religious rituals as was the case before the revolution. It got worse with extremist discourse in the media that attacks concepts of equality between Muslims and non Muslims. The dominant environment in the educational institutions advocates discrimination, religious fanaticism and consequences of sectarian violence.³¹ As the education system is based on lecturing and memorization, consequently, some texts in the curricula promote religious fanaticism, obedience, compliance, fear, silence, surrender and marginalization of the other.

Finally, women rights and gender equality are exposed to violent attacks after the revolution because of some Islamists in Egypt who have a negative attitude towards the issue of gender equality. In spite of the great development in the field of women's education before the revolution, still women in Egypt were encountering many challenges in the field of education. One of the biggest problems is lack of awareness in the following aspects: illiteracy, pursue of educational studies, educational leakage, lack of an education that addresses the job market and lack of awareness of the importance of educating females especially in poor rural areas. In addition, books used are imbued with gender inequality or lack of material that would educate women about their lawful and legislative rights. Generally, media and policies in Egypt contribute to the image of women. Moreover, media do not concentrate on the vital issues of women most of the time. Studies show that media concentrate on political issues and disregard other important issues like poverty, illiteracy, unemployment that address the needs of many neglected single parent women in rural, Bedouin, and slum areas during this critical stage.³²

Women are still marginalized in Egypt especially at present times because of the dominance of Islamic political sects. This is evident in the attack of the Islamic parties of the New York document that condemns all kinds of violence against women. The government tried to withdraw from the African group of the 55. These African groups are more developed than us in the field of women rights. At the same time, the government tried to form an anti-document group from members of other countries. Strangely enough, the Egyptian government decided to coordinate with a representative of the Syrian president Bashar Al Assad, who is condemned by the Egyptian government, so that the only link between the two regimes would be their hostility to women.³³ This religious sects used to heavily bomb the New York document claiming that it legalizes freedom of sexual relationships including homosexuality. This happened after two years and a half of continuous attack on the "CEDAW" agreement using the same claims.

Accordingly, we can see that citizenship rights are some of the most violated rights under the authority of the present political regime. The civil society has to exert a lot of effort during the coming years because without equality, rights to participation and supervision, development in other areas will encounter continuous threats.

Chapter Two: Legislative and Legal Framework of Rights and Liberties

When one reads some of the constitutions of the world, one realizes that there are various generations of constitutions. The first generation is the historical that emerged with the establishment of countries or when countries were exposed to drastic changes in nature, like the

³¹ The third report, Civil and Political Rights in Egypt, during the Transitional Phase

³² The conference of Health and Population, 1994 where all sectors of Development in Egypt showed interest in this concept that was transferred from the document of the conference of gender to study the mutual relationship between men and women in the society.

³³ Nivine Mosaad, Nationalization of Education through "National Council", Al Sherouk, Thursday 28th March, 2013 on the following link: <http://shorouknews.com/columns/view.aspx?cdate=2803201&id=03f097b7-c2ed-4451-a3f3-6a56bce78d24>

‘Magna Carta’ in Britain or the American constitution. The second generation of constitutions was made after World War II and these are called post colonial constitutions or those that were made after the collapse of prior war regimes. Those were constitutions that focused on reconstruction of countries like the French constitution or the German constitution or other constitutions of national liberation countries. The third generation, however, can be called the constitutions of democratic transition. These began in Spain after the fall of Franco. This was followed by the Portuguese constitution and then other constitutions in Africa or South Europe or Latin America. Some of the most distinguished constitutions are the Indian, Brazilian, and South African. These modern constitutions include articles written about Rights and Liberties, considering international conventions as essential references. Political systems in such constitutions call for participation. In addition to the three main authorities, other new agencies like, civil societies, local authorities and political parties contribute effectively to political life. That generation of constitutions is characterized by detailed articles and their philosophy depends on inclusion of texts that clarify articles about a rule, or a principal, or functions of an authority. These clarifications of power, authority, jurisdiction, or determinants of each make the legislator incapable of adding further legal restrictions in any of the relevant areas. His task would only be to interpret and decide on the penalties that are relevant to these determinants exclusively. This philosophy is reflected on the situation of women as it should grant protection especially within the framework of a disciplined citizenship that supports the marginalized.³⁴

First: - Labour Rights:

Although the constitution of 1971 includes many articles that ensure labour rights, still many laws waste these rights. Moreover the government’s disrespect of judicial provisions was and still is considered an attack on these labour rights. These laws contradict all the treaties and agreements that Egypt had ratified.³⁵ The 1971 constitution includes many articles about social insurance and the constitution in article 17 backs up social insurance, health insurance, pension, disabilities, aging, and unemployment by law. In other words, the constitution does adopts the philosophy that considers social security a donation rather one of the rights. It does not state that the money of social security and social insurance is independent from the money of the ministry so as not to be used or wasted on other issues. It does not include the mandatory mechanisms that would guarantee funding these social systems.

Articles related to labour rights in the new constitution (2012) are controversial:

Article (14) stipulates: “National economy aims at achieving a wide-ranging development, raising the standards of living, eradication of poverty and unemployment, increasing job opportunities, increasing production and national income. The plan of development works on social justice and solidarity, insurance of fair distribution, protection of both consumers’ and employees’ rights, the partnership between capital and labour that would put up with the costs of development after which the profits would be fairly distributed. Wages should be conditioned by production, reducing gaps between ranges of wages, ensuring a minimum wage and pension that guarantees a respectable standard of living, determining a maximum wage for governmental employees except for by law exceptions. “This article in the constitution is not updated and the terms used in editing were inappropriate. For example the term ‘sustainable’ was replaced by the term ‘constant’”. In addition, the employees’ are burdened with the costs of development without interfering in strategic planning. In fact, the concept of “wages conditioned by production” contradicts all the norms of

³⁴ Mohamed El Agati. Critical Reading in the new Egyptian Constitution, Al Shorouk Newspaper, Cairo December, 10th, 2012. On the following link: <http://shorouknews.com/columns/view.aspx?id=674a6233-209f-44cc-9898-7354aa52f26e>

³⁵ The first report, Economic, Social and Cultural Rights in Egypt

economic and social rights. In addition, it gives the right to the employer alone to determine the wage of the employee, so that bonuses and incentives are conditioned by production. However, the wage of the employee is conditioned by prices. The article has opened the door in front of by law exceptions for maximum wage.

Article (63) stipulates: “Labour is considered a right, a duty and an honour for a citizen. To achieve basics of social justice and equal opportunities, the state guarantees labour rights. It is forbidden to force citizens to do some sort of work except bylaw. The job of the public employee should provide people with services. The state abandons favoritism and provides public job opportunities according to efficiency measures because favoritism is a crime that leads to legal penalties. The state grants a fair wage, the right to vacations, retirement, healthcare, social insurance, safety measures, and availability of professional safety terms at work places bylaw. “The expression ‘the state grants’ in the article leads to decline with regards to the above. It should have been replaced by the term “the state is committed”. Moreover, compulsory work is not permissible even if it was bylaw because this is considered ‘forced labour’ which is an immoral act, well known in the Egyptian history. In addition, the law of dismissal of employees has to consider some protection measures for employees more than the term ‘bylaw’. Finally, as a result of the word ‘grants’, unemployment aid is not mentioned in this article although it should be connected to labour rights granted by the state.

Article (65) stipulates that: “The state grants social insurance services. Every citizen has the right to social security services, if s/he is incapable of providing for him/herself and family in case of disabilities, unemployment, and aging. In such cases, law should grant sufficiency.” This article is deformed and does not identify mechanisms or standards of social security services. Moreover, the term ‘limits of sufficiency’ demeans the citizens concerned. A more suitable expression is “what would make him/ her capable of providing for needs” instead of “sufficiency”.

Previous reports attempt legislations relevant to rights that remained without being amended after the revolution. These old legislations breach the standards of the International Labour Organization and are biased against the poorest. However, they are implemented in reality.

International constitutions affirm that every citizen has the right and duty to work. The government grants all necessary measures to enable every citizen to get a productive job that guarantees quality life. It also ensures a full practice of such right. Laws should not contain articles that renounce any of the rights and benefits of labour that should gradually increase. Social security services were mentioned in international constitutions as rights that should be attained by all people. In addition, it is the responsibility of the state to provide these rights to people who need special kinds of protection. International constitutions tended to affirm the right of every citizen to have a convenient and safe residential place with infrastructure services and therefore grant humane family life, social and neighborhood relationships. The availability of these rights is a commitment on part of both the government and citizens in all fields.³⁶

All laws that were promulgated after the revolution or those that were partially modified did not consider the criteria of “the law of trade unions’ freedom”, or “the laws of minimum and maximum wages”. These were disabled, and then manipulated by the authority. The concept of trade unions’ freedom was terminated through a modification of the proposed legislation that permits diversity on higher levels and prohibits it on lower levels. Other ways were used, like: differences between minimum and maximum wages are 35 times, permissiveness in constitution is contradicted by exceptions in laws. In other words, the legislations and the laws relevant to these rights continue to hinder these rights. This was one of the mechanisms used during the previous regime in the economic New Liberal project of law 135, 2010. It changed the social insurance system into a saving account system that eliminated social solidarity, the core of the system that should have been

³⁶ Abd Allah Khalil, Human Rights guidebook in International Constitutions, A Guide, The Egyptian Center of Social and Economic Rights and Centre of Development Support, 2012, p. 40

implemented by January, 2012. Then Marshal Tantawy decided to postpone the implementation of the law to January 2013. This law changes retirement age to 65 instead of 60 years in the current system. It deprives the socially insured citizens from health insurance that existed in law 79/1975. All movements of the retired people aim at omission of this law.

Second: Rights to Public Services:

During the past 30 years, most constitutions of countries that turned to democracy, like Egypt, have made distinguished development in areas of rights. For example, the constitutions of Brazil and Bolivia have explanatory articles that clarify the nature, guarantees and commitments of states as relevant. The Egyptian constitution of 1971 generally approved these rights without providing state guarantees or obligation mechanisms. The constitution of 2012 came to slightly extend these rights. For example, article 58 about education stipulates that, “All citizens have the right to quality education. Education is free of charge in all governmental institutions and is obligatory during its elementary stages. The state has to take all measures to extend the obligatory stage of education to more advanced levels. The state supports and encourages technical education. It also supervises all educational systems. Educational constitutions, governmental, national and private are committed to implement the plan of the state and its objectives in order to address social and production needs. The constitution stipulates that a national educational agency should be established. With the exception of this article, all other articles in the constitution are not fully explained. On the contrary, this initiated new controversial areas that might lead to rights waste. An example of this is apparent in the two articles related to healthcare and housing issues.

<p>Article (62): All citizens have the right to Healthcare. The state determines a percentage from the national income to provide healthcare services. The state is committed to provide health care and health insurance services in accordance to high quality standards. These should be offered free of charge for the financially incapable. All healthcare institutions are committed to provide medical treatment of all kinds to every citizen in case of emergency or life danger. The state supervises all healthcare institutions to check the quality of offered services, all products and media campaigns in the field of healthcare issues. It issues legislations and takes all measures that achieve the supervision.</p>	<p>Providing free of charge education to the financially incapable only is a kind of discrimination and what are the standards? This disregards the project of full health insurance coverage that workers demand. Also, this article does not deal with the rights of the people that do the job.</p>
<p>Article (68) appropriate housing, accessibility of drinking water and healthy nutrition are granted rights. The state adopts a national plan for housing based on social justice, encourages individual initiatives and housing collaborative projects. It organizes the utility of state land for construction considering public interests and preservation of generational rights.</p>	<p>Limiting the rights to housing rather than a house indicates deficiency</p>

The rights of labour are determined by legislations that were promulgated before the revolution after some amendments. In the field of rights to public services, legislations proposed by the current government are the same that were prepared before the revolution with the same tendency of privatizing these services. One of the distinguished examples in this field is “the law of health insurance’ that was tackled in a previous report. This shows that there are no intentions to attempt radical changes in the legislative system in this area.

Third: The Right to Organize:

One of the first laws promulgated by the Supreme Council of Army Forces in Egypt is the law 34/2011. It is called “The law of protecting institutions and labour freedom”. It criminalizes strikes and penalizes protestors by imprisonment and payment of fines. This was an attempt to prevent the wave of strikes of workers that requested purgation of economic institutions and fulfillment of social justice. This was followed by the negligence of the law of trade unions’ freedom that was proposed by the ministry of Labour Forces. Then the new law of forming parties was promulgated on March 28th, 2011. It aimed at organizing the work of political parties during the transitional period. The law was condemned by many for the exaggerated number of members of core groups (5000 members). Also, names of members have to be published in two daily newspapers, a financially unaffordable act for some new parties. This law has expanded terms of reference of the committees of parties in spite of positive amendments of ways of formation. This law has not gone far beyond an ‘authorization license’. It does not resemble laws known in democratic countries as laws of “defining rules” or “reinforcement”. In the Egyptian law, parties will not only ‘notify’, as claimed, but have to obtain licenses, in order to give agencies of parties, according to article 8, the right to appeal during 30 days. The law also allows expansion of terms of reference of agencies, to investigate research and refer to other entities to collect information without identifying these entities.³⁷ Then the campaign that attacked the institutions of the civil society started in 2012. Attacks were against foreign institutions and were followed by laws promulgated by the government that do not conform with the simplest international standards of freedom to organize as it expands the administrative terms of reference of these institutions.³⁸ Currently there is an opened talk around a law for organizing demonstrations. The main four points in this law contribute to its categorization as a law that opposes freedom of organizations as it puts restrictions on organizations and objectives of demonstrations. The main aim of this law is to support control of security agencies on demonstrations rather than protecting demonstrators. It does not guarantee human rights, but all guarantees are provided to the authority. Generally, it penalizes all citizens rather than violators of law among them.³⁹

Thus, it is evident that there are clear intentions to suppress the freedom to organize, in an attempt to retrieve the authoritative system that existed before the revolution. Indeed, one of the most important threats is the right to establish free, independent organizations in the society capable of effectively and sincerely expressing views of their members. As for the constitution of 2012, its articles provide these rights and at the same article or in other articles, it adds restrictions. The following table clarifies analysis of relevant articles in the new constitution (50 to 53).

<p>Article (50): Citizens have the right to hold public meetings and peaceful demonstrations that are weapon free. This is granted after a bylaw notification. Private meetings are granted without a notification and it is prohibited that security authorities attend or monitor them.</p>	<p>Although the article is acceptable, still it should have defined private meetings that include seminars, conferences, and meetings.</p>
<p>Article (51) Citizens have the right to establish organizations, NGOs and political parties immediately after notifying authorities. This grants organizational freedom of practice and a corporate personality. Authorities are prohibited from breaking</p>	<p>Integration of parties and NGOs in one article detracts the concept of parties. There should have been a separate</p>

³⁷ Mohamed El Agati, The Law of Parties and a New Step towards Democracy, Arab Forum for Alternatives, Rawafed for publication and distribution, 2012.

³⁸ Mohamed El Agati, Modifications in the law of NGOs, Recommendations for a democratic transition in Egypt, Arab Forum for Alternatives, Rawafed for publication and distribution, 2012.

³⁹ Omar Samir, Demonstration Law- A Vision of a Law that organizes rights, Arab Forum for Alternatives, unpublished paper, 2013.

<p>up their administrative body except by a judicial law and according to articles in the law.</p>	<p>article for parties and should have been placed under political issues rather than the part of Rights and Liberties. The article of political parties does not include elements that could have been inspired by modern constitutions. For example an article could have been added to state that work of parties should be devoted to internal democracy. In addition, the idea of dissolution of parties does not conform to international criteria in this area. Dissolution of administrative bodies only rather than whole parties.</p>
<p>Article (52): The freedom of establishing trade unions/syndicates, and collaborations is granted on democratic terms. These establishments should be granted freedom of practice and a corporate personality. Authorities are prohibited from dissolution attempts of their administrative bodies except by a judicial law and according to articles in the law</p>	<p>The same concept of dissolution of bodies clearly diminishes liberty rights.</p>
<p>Article (53) Based on democratic terms, the law grants establishment of professional trade unions (syndicates) and their administrations. The behavior and professional practices of their members are checked for ethical codes of honour. Each profession has the right to one trade union only. Authorities are prohibited from attempts of dissolution of boards except by a judicial law.</p>	<p>The constitution placed restrictions on the article of diversity of trade unions, which opposes the principal of freedom of trade unions.</p>

Fourth: Citizenship Rights:

In spite of what was stated in the new constitution concerning the full respect for the concept of citizenship, and equality between genders, still, it was observed that some articles confuse the use of concepts in certain parts and clearly discriminate in other parts. For example, article (55) stipulates: "Participation of the citizen in public life is a national duty. Every citizen has the right to vote, nomination and expression of opinion in elections...." Participation is a right and not a duty and should not be a duty so that if not attempted, a citizen would be exposed to payment of fines. Moreover, the rights to vote and nominations were the only rights mentioned and these are some, not all types of participation.

Discrimination is evident in article (43) that stipulates: "Freedom of belief is protected. The state grants the freedom of practicing religious rituals and the construction of worship houses for the three celestial religions by law." The omission of the words 'the state' in this article as it was in the 1971 constitution made it weaker because the 'state' here would be exempted from the responsibility of protecting freedom of belief. Moreover, insistence on adding the three celestial

religions as relevant to worship houses clearly contradicts the concept of freedom of belief and religious practices. This could have a negative impact on the Muslim minority groups in non Muslim countries.

Article (48) stated that: “Access to information, data, statistics and documents, declaring and circulating them is the citizen’s right granted by the state. This should not contradict with inviolability of private life, the rights of others and norms of national security. The law regulates ways for keeping and saving documents and ways of receiving information and appeals of refusal or disclosure of information and its consequences.” This article is positive, however, the term ‘national security’ should be defined as it gives the government the right to hide information claiming that it affects national security issues. One of the most important elements here is placing legal responsibility on those who violate this article as stated. Then another article about media came to put restrictions on the role of media in directing public opinion. It therefore opposes terms of professionalism in this field and drives us back to a directive media. The return to measures of national security supports the domination and interference of certain entities in media and permissions for founding newspapers; even it was by the power of judicial law as it opposes liberty of media. There are no articles that protect liberty of media as is the case with freedom of circulating information. Moreover, it ignored the demands of journalists who asked for prohibition of imprisoning journalists.

As for women’s rights, there are no articles that differentiated between men and women except in relation to the three categories mentioned in the previous constitutions, army forces, police and judiciary in which women were exceptional cases. No articles were added that discriminate against women, but international document and agreements about women’s rights are nonexistent. This constitution affirmed equality between men and women and prohibited discrimination. However, it did not identify kinds of discrimination that includes gender discrimination. This document did not include articles that would detract women’s economic, political or cultural rights on gender bases. However, articles did not promote complete equality and did not include articles that would give women privileges. While mentioning equality between all citizens in numerous rights, it did not clarify the status of women nor provide clear support within this framework. Nothing was mentioned in this constitution about mechanisms of direct or indirect protection of women by criminalizing gender discrimination or establishing agencies for supervision, etc.

On the level of legislations, there are current discussions around two relevant law articles. These are the law of information circulation and the law of practicing political rights. There are some remarks concerning the proposed drafts of these laws. As for the former law, in spite of the fact that it takes international rudiments into account more than before, but there are some remarks that have to be referred to. The most important remarks are:

- The concept of spreading a culture about the importance of circulating information is not stated. This concept was previously stated in the third principal in the charter of Liberty about circulating information through awareness campaigns and mass media.
- The absence of a definition of national security might affect the positive point.
- Excluding oral information from the definition of information in the law
- The executive authority controls the formation, responsibilities and mechanisms of the National Council of Information that is responsible for issuing decisions and information accessibility as the law does not grant its independence.

There are some remarks concerning the law of elections that includes the law of practicing political rights, the parliament, and constituencies. These are:

- 1- The use of religious mottos during the elections which is an issue that some people consider legitimate by the power of the constitution. However, according to the constitutional court, this is illegitimate because it has a negative impact on social solidarity, could lead to sectarian strife and also to avoid interference of religion in politics.
- 2- The current projects allow the raise the number of members of the parliament to 546 members aiming at widening the representation. This number will lead to existence of parliament members everywhere though the old number which was 498 is capable of performing the same job.
- 3- In spite of the remarkable effort of dividing constituents, still symmetry is nonexistent. For example, in Cairo there is a member for every 99 thousand elector, while in Dumyat for 71 thousand, in Assuite for 88 thousand. Inside the governorates, there are differences also. The first constituent in Assuite, there are 12 members “electoral lists and individuals” and has 1.3 million electors, the second has the same number and has 961 electors.
- 4- Determination on supervision on election procedures abroad which increases the expenses of elections especially in countries that do not have except 50 people or less. The judge travels and no one goes to vote. This issue is a disaster caused by the people who were involved in writing the constitution to Egyptians abroad as the supervision of diplomatic community was necessity.
- 5- Determination that a member should keep his/her partisan affiliation that s/he was elected for. This should put restrictions on the member of the parliament. It is understood that this matter was a necessity during times of the previous regime because many used to go back to the National Party after nomination as independent individuals. However, at present it is impossible that one would leave the party of the majority, which is usually a party of a religious background, in order to be affiliated to a civil ideology or vice versa.
- 6- Determination on giving the person who is exempted from military service the right to nomination in spite of the reservations in the project of the law of practicing political activities.
- 7- Endorsement of speeding up judiciary provisions in electoral disputes (within 7 days). Although it is a good point, still the starting date of submission of appeals is the due date of the nomination period rather than the date of declaration of electoral lists. The question is: How would the appellant know that he would submit a judicial appeal before declaration of the lists?⁴⁰

Although the new Egyptian constitution was written 40 years after the emergence of a new generation of modern constitutions, that were promulgated in countries in similar situations, the Egyptian constitution is closer to traditional constitutions (constitutions that were promulgated after World War II) in both form and content. The chapter about rights and liberties depends on individual efforts and historical accumulation. It neglects or opposes international charters that were stated in 16 Arab country whether in their constitutions or basic laws as in Saudi Arabia (article 70 and 81), Sudan (article 27 and 41). Moreover, these were not replaced by Arab local charters that were promulgated by the Arab League or Islamic charters that were promulgated by the Organization of the Islamic Conference. Furthermore, many of the articles open the door to liberty rights and then these are contradicted by restrictions (for example: Press 48- addressing authorities 54), in addition to the absence of mechanisms of implementation, statements that protect the marginalized or the weak “peasants, workers and women”. The constitution came to reflect

⁴⁰ Amr Hashem Rabei, The Law of Egyptian Elections, April 15th, 2013 on the following link: <http://www.almasryalyoum.com/node/1652326>

backgrounds of people who edit it rather than expressing a communal national vision. It is evident that there are specific interpretations of some articles made by the sects who contributed to the constitution. These interpretations are different from common interpretations. The interpretations of these people will be imposed on us in the future as for example: (the article of penalties according to a constitution statement- asking for opinions before legislating –and others). Some of the articles of the constitution greatly contradict the written text about liberty. For example: forced labour- civilian trials in military courts- shutting down newspapers –dissolution political parties- children labour, etc.⁴¹

On the level of legislations, we still work using the same system that was used before the revolution and the proposed amendments are of form rather than of content. This leads many people who believe in rights and liberties to try to immobilize any law in this area at present. It is evident that the laws related to the rights to organize (trade unions/ syndicates- political parties- civil society- the right to organize demonstrations and strikes) are highlighted; an issue that reflects the desire of the current authority to put restrictions on these rights. This reflects the same mentality of the previous regime that used to see that these restrictions would provide authorities with the ability to issue legislations, and policies that control the system of rights and liberties, especially in the absence of institutions that are capable of confrontation.

⁴¹ Mohamed El Agati, *Critical Reading of the New Egyptian Constitution*, ibid

Part Two: - The Civil Society and the Democratic Transition

Institutions of the civil society are important channels of participation because their members are ready to interact in democratic political activities. There is a strong relation between the civil society and the democratic transition. Democracy is a group of rules of governance and institutions that organize the peaceful administration of conflicts in a society between competitive groups or conflicting interests. These are the basic criteria of the civil society. Thus, the important role played by the civil society to support democratic development and provide the necessary terms for deepening democratic practices and ensure their basic values emerge from the nature of the civil society and what and how its institutions function. This could be the infrastructure of democracy and its practical experience.⁴² Consequently, this part is about the role played by the civil society in the democratic transition and its relation with public authorities in Egypt. Then, it deals with the achievements of the civil society in other countries whether through addressing public authorities or through campaigns which resist the policies of these authorities as relevant.

Chapter Three: The Civil Society and the Democratic Transition- The Egyptian Case

The stagnancy of the traditional form of political parties, the violent confrontation between the authority and political groups that are not affiliated to parties at present, the processes of economic transitions that developing countries are going through including Egypt, and after the acceptance of restructuring adaptations, in addition to the transition that occurred after the collapse of dictatorships in East Europe, the collapse of the Soviet Union itself at the end of the eighties and the beginning of the nineties, all of these factors lead to what is called the “third sector” or the civil society. It is called so because it is the sector that practices supplementary activities within the framework of a recessive role played by the state. It bridges gaps between citizens and the state on one hand and helps in spreading values of initiations and self independence on the other hand. Therefore, the civil society contributes to a different culture that might push forward the process of democratic transition. The civil society emerges as an important and effective entity in Egypt. The civil society is the basic element in the Egyptian revolution as no one can deny the role that the civil society played before the revolution. For example ‘Kefaya’ movement played an unprecedented role in raising the ceiling of political life in Egypt ever since it was established in 2004. Also, the movement of the judiciary played an important role in destabilizing Mubarek’s regime. 9th of March movement which is also known as “the movement of independence of universities “that aimed at getting rid of security domination inside universities.⁴³

First: Labour Rights:

The civil society institutions in Egypt were capable of achieving gains while defending labour rights. These gains are as follows: Though it obtained a verdict that obliges the court to determine minimum and maximum wages, after two years this verdict was not executed. The government refused carrying out the verdict of the invalidity of all electoral stages of workers’ trade union, round 2001-2005 and 2006-2011. The government refused execution of a verdict of repossession of the public companies that were sold, like Tanta for Linen, Egypt for Cotton Ginning, Shebeen El Koum for Spinning and Omar Effindi. The civil society got hold of a verdict in favour of workers after their unlawful dismissal from work. The institutions of the civil society used legal mechanisms and campaigns like “Together to launch the law of trade unions’ freedom” that started in 2008. 12 political parties, 27 of the civil society institutions and movement participated. The campaign succeeded in initiating a project of a law of trade unions’ freedom that was presented to the

⁴² Mohamed Mokhtar Kandil, The Role of the Civil Society in Democratic Transition in Egypt, *ibid.*

⁴³ Mohamed Mokhtar Kandil, The Role of the Civil Society in Democratic Transition in Egypt, *ibid.*

Supreme council of Army forces that was ruling the country in 2011, but it was neither accepted nor rejected. Another campaign called ‘the law of a public job’ was launched and succeeded in rejecting a new law that aimed at changing public jobs to temporary jobs.

To confront aggression against retired people, some public groups were formed to defend the rights of the retired. This started in 2004, and then it was changed into the trade union of the retired solidarity and defense of insurance rights. It was registered as an independent trade union before the revolution and has branches in all the governorates of Egypt. This is another dimension that represents the work of the civil society in establishing trade unions and unions for stakeholders in the community as part of the phenomenon of independent trade unions in Egypt.

Second: Rights to public services:

If institutions that worked in the field of labour rights have used the mechanism of law and campaigns equally, the groups that worked in the field of rights to public services bind the two mechanisms together. Campaigns have used the law mechanism and litigation, such as “Rights of Healthcare”. This combated the law of privatizing health insurance and succeeded in obtaining a verdict that prevented the transformation of the governmental agency of health insurance into a holding company and refused to pass the law of health insurance since 2006. Moreover, it asked for an increase in governmental expenses on healthcare up to 15% of the general budget of the state.

In the field of education, parents started to protest because of increase of tuition fees since 2008. This was followed by a campaign to combat the dissolution of national institutions which are collaborative schools that started in Egypt in 1909. These are 39 schools that the government tried to terminate in order to provide space for private education. Parents protested more than once against the use of violence in schools and the use of external books which are considered part of the corrupted system of education.⁴⁴

One of the distinguished elements that emerged after the revolution in this area is binding the rights of groups responsible for production of these services and reformation of the whole system. This is evident in the medical doctors’ demand to raise the budget of healthcare services. In their strike, they asked for improvement of the situation of people who work in the field of health. In the sit-in of teachers, they asked for criminalizing private lessons. Drivers of public transportation asked for the development of public means of transportation. In the abovementioned fields, we can see the solidarity among groups who benefit from the services and those who produce them, which is an effective factor in the process of change and its various mechanisms.

Third: Rights to Organize:

Rights to organize and expression of opinion were grabbed during the revolution. Demonstrations, protests, strikes and sit-ins are increasing in spite of legislations that were not changed and media campaigns that oppose them. The interaction of the civil society was extremely high as documented and transmitted to media (The Egyptian Center for Economic and Social Rights- the International Developmental Center), or defending rights against violations (Hisham Mubarek Law Center- Al-Haqaneyya), or trying to propose visions for reasons of protest (the Campaign of Liberty to Organize- Cairo Center for Human Rights)⁴⁵

These were the effective ways used by civil society to address public authorities. Some of the most distinguished are:

⁴⁴ The first report, Economic, Social, and Cultural Rights in Egypt

⁴⁵ Examples of organizations that carry these tasks are written between brackets

The law of civil society that was proposed and ratified by 39 organizations and is considered the foundation of the law of NGOs that was discussed by the previous parliament. It was not promulgated, however, because of the dissolution of the parliament. Some of the organizations proposed suggestions concerning a law to liberate national work, to confront the Ministry of Solidarity Affairs, the Ministry of International Cooperation and the General Union of NGOs. The Cairo Center for Human Rights proposed an analytical vision of the law suggested by the government clarifying points of weaknesses. It also proposed a paper that includes the broad lines and the most important demands that should be found in a law that organizes the work of NGOs. The parliament member Ziad El Oleimy announced his support of the project of the law proposed by human rights organizations and submitted it in his name to the head of human rights committee. The parliament member, Amr Hamzawy, who participated in the meeting, submitted the project suggested by human rights organizations to the legislative committee in the parliament.

The head of human rights committee in the parliament, Mohamed Anwar Essmat Al Sadat, showed interest in the important role played by the civil society at present. Moreover, he rejected oppression of National work by unjust rules and arbitrary laws.⁴⁶

The law of circulation of information that was proposed by civil society organizations (a support of technical information, the freedom of thought, expression and the Egyptian Initiative for personal rights) that communicated with the Support for Information Technology Center, a subordinate of the Egyptian Cabinet of ministries in order to draft a law that supports international standards. The philosophy of the law is to allow the civil society to have access to information needed for implementation. This would provide civil, social and political rights with equal amount of support.⁴⁷

The law of freedom of trade unions was approved by the Supreme Council of Army Forces, and then proposed by the Union of Independent Trade unions to the minister of Labour Forces, Ahmed El Boraai, after the revolution. The draft of this law, "Freedom of Trade Unions in Egypt" was discussed by representatives of different trade unions. Discussions pivoted around issues that emerged during the past few years as this was the period in which many forms of protests occurred outside the umbrella of the unified work of the trade unions' organizations and therefore, many independent trade unions were established. Besides, many civil society institutions were actively dedicated to implement the social and economic testament promulgated by the United Nations, in addition to two famous agreements, numbers 87 and 98, that were promulgated by the International Organization of Labour in 1948 and ratified by Egypt in 1957.⁴⁸

Fourth: Citizenship Rights:

Within this framework, many campaigns were organized to resist religious and gender discrimination. Political participation was concentrated away from defense organizations, in the Centers of Studies and Research. The most prominent campaigns that resisted religious discrimination was the group known as "Mared" that was established in 2004⁴⁹ to achieve the following objectives:

⁴⁶ Members in the parliament reject the law of the government and adopt a new law for NGOs. Cairo Center for Human Rights, February 8th, 2012 on the following link: <http://www.cihrs.org/?p=1178>

⁴⁷ http://www.aucegypt.edu/Business/A2K4D/Documents/ngos_draft_law_freedom_of_information_march2012.pdf

⁴⁸ Amina Shafik, The Trade unions Movement and Diversity on the following link: <http://digital.ahram.org.eg/articles.aspx?Serial-826587&eid=988>

⁴⁹ http://groups.yahoo.com/group/MARED_Group/

- 1- A call for upholding the values of freedom of thought, belief, and deepening the culture of citizenship. Effective resistance to all types of religious discrimination regardless of its source is.
- 2- Using all possible means to eliminate all types of discrimination among Egyptian citizens in laws, official documents, education and media.
- 3- Defending full citizenship rights to all Egyptians, emphasizing that they are equal in rights and duties including freedom of belief, worship and upholding the value of citizenship
- 4- Criminalizing discrimination practices among citizens especially the religious. Prosecution of anyone who practices discrimination against men or women because of religious reasons.
- 5- Working to achieve complete equality in all procedures needed for building or reconstructing worship houses without any religious discrimination. Seeking the issuance of a unified law for all types of worship houses
- 6- Seeking the elimination of discrimination through the development of the civilian democratic characteristics of the Egyptian country. Developing new mechanisms and laws for equal opportunities and the aftermath support. Establishing public institutions responsible for receiving complaints of discrimination and taking decisions concerning these complaints.

As for women, initiatives and campaigns have been numerous ever since the civil society started to be active in the middle of the 80s, like the New Woman Foundation and the Center of Women's Issues and others. Within the framework of writing a new Egyptian constitution, many initiatives were taken by institutions out of belief that participation of the civil society, both men and women, in writing the constitution is vital. The effort exerted by alliances that include feminist associations and The Gender Union for Egyptian Women⁵⁰, the working group of Women and Memory, the Center of Women's Issues, in addition to the Al-Azhar document, the Egyptian National Council, the document of National Reconciliation, Al; Baradei document, and Hisham Bastaweesy, and the document of Democratic Alliance that proposed the demands of Egyptian women to be put into the new constitution. These demands focused on identifying the criteria used to select members of the Constituent Assembly, a study of the historical aspect concerning the situation of women in constitutions through a study of other constitutions, offering some constitutional rudiments, offering suggestions of specific textual statements. One of the most important demands is to refer⁵¹ to some international agreements and referencing documents like 'the announcement of the foundational rudiments of the constitution of the modern Egyptian country, the Iraqi constitution and the Yemen constitution including some important articles that have to be considered while editing the constitution.

Consequently, the Egyptian Feminist Union and the Coalition of Feminist Organizations edited a document under the title, "Equality in Rights and Duties", which supports the rights of women and liberties in the new constitution in order to propose it to the Constituent Assembly.

Constitutional documents vary in form and content. Some include a direct division of the basic constitutional principles. Some articles are concerned with elements of the State that identify the system, identity, sovereignty of the country, most important characteristics, source of legislation and other articles related to the political system.

⁵⁰ Mohamed El Agati, Women and the Equality Citizenship. Analysis of the new Egyptian constitution, El Salam International Organization. Unpublished study, 2013

⁵¹ The document of the Gender Union for Egyptian women

Some documents like that of the Egyptian Feminist Union focused on a number of international agreements and referred to other documents including ‘ the announcement of the foundational principals of the constitution of the modern Egyptian country, the Iraqi constitution and the Yemeni constitution’ including some important articles that have to be considered while editing the constitution. The document of Women Coalition and the document of Women and Constitution call for respect of civilian, political, economic, social, cultural and environmental human rights that are included in human rights charters. Moreover, they focus on the state’s commitment by all treaties and documents that support women’s rights and prohibition of breaching national legislations that are based on these agreements and international charters.

Some of the abovementioned documents attempted to present features of the political system of the government, and its nature in the new constitution. However, editing of these documents vary in their presentation of the political system of the state between the democratic civil system and a modern system that respects the concept of citizenship. However, some refused to declare the system of the state.

Documents of Al-Azhar, the Egyptian National Council, National Reconciliation, and Al Baradei, Egypt’s future and the document of constitutional rights of women agree on a clear edition that stipulates that Egypt is a modern civil country based on the rudiments citizenship..

Unlike the abovementioned, the documents of Democratic Coalition, Hisham Bastaweesy, and Principles of Citizenship and the Egyptian country do not identify a specific form of the nature of the political system in Egypt.

There is another section that dealt with the religion of the country and its identity. In this section, most of the documents like that of Al-Azhar and Democratic Coalition identify Islam as the religion of the country and the Arabic Language as the official language except for the document of ‘a Papyrus from Human Rights organization’, the document of the Constitutional Rights of Women and the document of the Future of Egypt.

Some documents added a number of identities in addition to the Islamic identity⁵² of Egypt such as the Arab, African, Pharaonic, identity as seen in the documents of National Accord, National Council and Al Baradei.

The documents of Al Azhar and Democratic Coalition included articles about maintaining ethics and morals that control the behavior of the society as part of the identity of the country.⁵³

As for the sources of legislations, all different documents of constitutional rudiments agreed on the endorsement of the principles of Islamic legislations⁵⁴ as the major source of legislation except for some documents, the Future of Egypt, a Papyrus from Human Rights organization, and Constitutional Women Rights.

The documents varied in their reference to different issues. Some extensively referred to charters of human rights, identifying social and economic rights as evident in the document of National

⁵² Article (10) Elements of the State- the document of National Accord, article (1), in the document of the National Council, article (9) in Al-Azhar document.

⁵³ Article (3 & 6) of the articles of the field of human development: Main values in the society- the section of the general principles of the political system, the document of Democratic Alliances and article (4) in Al-Azhar document.

⁵⁴ The document of the National Council clarified what was meant by the principles of Islamic Legislations and the guarantee of implementation as the issue totally refers to the legislator alone. He has the right to choose from jurisprudence without conferring sacredness on the sayings of the jurists. The legislator has the right of diligence to achieve the interests within the framework of the objectives of legislations and monitoring the Supreme Court of Constitution.

Reconciliation, National Council, a Papyrus from Human Rights organization, Al- Azhar and the document of Constitutional Women Rights.⁵⁵

Remarkably, all the documents agree on attributing personal affairs to religious canon according to the religious belief of each one. Probably this is an attempt to protect the religious minorities from implementation of Islamic legislation on them and to avoid governmental issuing of civil laws that would protect rights in personal affairs, without discrimination.

All documents affirmed respect of the supremacy of law and equality of all citizens. All documents specified a whole chapter to rights and liberties. They all agreed on the rights of participation in political rights, education, health, labour, freedom of belief, expression, organization and other economic, social and cultural rights.

Such initiatives are still sectorized although the revolution has made changes in the political atmosphere that grant changes in strategies. At present, the focus should be on the concept of citizenship rather than rights of certain sectors only. The rights of women, children and minorities are separated from the demands of others that struggle to maintain their rights. This separation could lead to marginalization and negligence. It could be a weak point through which attacks of the system of rights might be attained. As evident, the focus is on personal and civilian rights and the weakness or absence of work on political rights as represented in the right of participation and relevant mechanisms.

Challenges encountered and the relation between the civil society and the state:

Legislations continue to place restrictions ever since Mubarek's till present times. The suggested legislations put restrictions on the abilities of the civil society, the role it can play and place it under the trusteeship of the administrative and security systems. This hinders the activities and capabilities of developing financial resources, transforming them to a security issue instead of being mechanisms of democracy and reactivating GNGOs that used to occupy the front rows during Mubarek's period.

The authority claims that social discussions are taking place for the preparation of legislations and policies. This claim proves to be a lie. This term, 'social discussions', has been recurrently heard during Mubarek's period and up till now we haven't come to understand what it means. If it means the participation of different sects during the time decisions are taken, all evidence shows that this is not the way of attaining consensus among different social sectors. In fact, this is a term used superficially by the government to gain fake legitimacy. The government chooses the parties that it wants to participate in these discussions and is not committed to the results. For example, the authority at present follows the economic steps of the previous regime and the SCAF as it decided to take loans from the International Monetary Fund (IMF) without referring to social parties during the discussions to find alternatives.

Governmental information is vague and contradictory. In 2007, the figures that the Ministry of Social Solidarity referred to affirm that the number of NGOs in Egypt is 21 thousand and 500. However, the General Union of National Institutes and Organizations published the result of a study that covers all governorates affirming that the correct number is 15 thousand and 154 institutes.

The relationship between civil society organizations and the state is not identified. This hinders the role played by civil society organizations that should influence general policies.⁵⁶ In addition, there

⁵⁵ Article (21) from the articles Rights and Liberties in the document of the National Council. Allocation of two articles out of 10 articles to Rights and Liberties. The document of Hisham Al Bastaweesy. Elements of the state are included in the document of constitutional rights of women and article (5,9) in Al- Azhar's

are campaigns jeopardize the image of the civil society. These campaigns are conducted by the same entities that are ideologically against the concepts and the basics of democracy.

Chapter Four: Experiences about the Relation between the Civil Society and the State

The development and transformation of public local policies in the developed countries lead to what is known as “Participatory Democracy”. The civil society plays a distinguished role through participatory democracy as it directly interacts with the political authorities through local institutions.⁵⁷

This concept is a response to some challenges that encounter the concept of representative democracy. Many writings point at what is called the crisis of representative democracy in the West. These writings began with James Dewey who said that democracy has to be established in the social organizations especially in complex industrial societies. In these societies, democracy was transformed into regulations. Democracy is an ongoing process and is not confined to electoral procedures every few years after which one refrains from participation to wait for the following elections.⁵⁸

The same concept is tackled by the British social scientist, Antony Giddens in his book, *The Third Way- a Renewal of Social Democracy*; he tackles “exclusions” in the current situation under traditional representative democracy. Exclusions basically take two forms: the exclusion of people at the bottom of the social ladder (those who do not have an access to a channel in the mainstream of the society through which they could express their demands and needs under the umbrella of a traditional social and political system), and the other is conscious exclusion of the rich people who can afford to attain their rights of education and healthcare services. This means that by time the rights of participation becomes confined to elections, after which each individual or group return to their isolation.⁵⁹

This was followed by other writings about the problem of representative democracy. It was found that the capitalist market that supports the achievement of public benefits for the whole society through the endeavors of individuals as represented by the law of free competition, its objectives were deviated. It ended up by creating great monopolization bodies and the domination of the few on public issues. Most of the people suffer from deprivation and the domains are closed in a way that does not allow social mobility.⁶⁰

On the practical level, Liberalism as a political approach and capitalism as a democratic system do not offer any guarantees to protect freedoms. Freedom was transformed into benefits that few of the capitalists and politicians use to achieve their interests. In addition, excessive administration and dominance of the executive authority and poor management of the public and private sectors raises questions around the validity of traditional political representations.⁶¹

⁵⁶ Mahmoud Kamal, *The Transformation of the Civil Society to a Social Movement*, the Arab Forum for Alternatives, 2012

⁵⁷ *The Civil Society and the Participatory Democracy*, Moustafa Al Monasfy, Hesiris, September 16th, 2012, <http://hespress.com/opinions/62646.html>.

⁵⁸ Magda Ali Saleh, “Studies in the Political Ideology”. 2008, p. 89

⁵⁹ Antony Giddens, *The Third Way- a Renewal of Social Democracy*, Ahmed Zayed and Mohamed Mohei El Din (Translators), 2010, Cairo: the Public Book Organization, p. 143

⁶⁰ Magda Ali Saleh, *Ibid*, p. 92

⁶¹ Briding document: What is deliberative democracy?, “Introduction: Democratic governance today”

Beside the above factors, Robert Putnam presented other factors that affected the democratic process and lead to demands for reviewing representative democracy within the framework of the social capitalist issue. He pointed at a crisis of confidence issue that people have towards politicians. These increased with political and moral scandals that were revealed, such as Watergate. If representational democracy is a traditional electoral process that takes place once every 4 or 5 years then there is no guarantee of a strong and serious monitoring of politicians' performance. Apparently, during this long period many decisions were made either without referring to people or despite people's objection such as Vietnam or Iraq wars. These factors forced many people to withdraw from administration of public affairs. They contributed to a decrease of political participation as people realize that they have limited influence on public affairs.

In the last ten years in Egypt, economic and political elites intermingled until both became identical. Many economic people and businessmen were offered political positions on both the legislative and executive levels. Many of the economic elites, businessmen or members of trade rooms were in charge of directing their own financial businesses while making use of their relationships with political figures that provided them with many benefits. All the country's agencies were working for the benefit of those businessmen during the electoral process and therefore many of them won chairs in the parliament. Therefore, legislations passed in the parliament for their benefit rather than the benefit or needs of the public. Generally, elements produced in the elections reflected the Egyptian elites' plan at that time.

There is another problem related to the efficiency of representative democracy in Egypt, which is the range of electoral expression of the social reality and its components. To clarify, the fraudulence of 50% of the parliament chairs are specified for peasants and workers, a principle that was initiated after the 1952 revolution to achieve social justice and empowerment of the marginalized. Many of the nominees claim that they belong to peasants and workers, use their financial resources and their relationship with the previous regime to win their chairs in the parliament. Therefore, real elements that represent these sectors are deprived of representation in the parliament and from expressing their needs.

In addition to the above problems of representative democracy in its legislative form, there is another problem on the basal levels. In local agencies and councils that are directly responsible for dealing with citizens' daily issues, including expression of demands of this social level, the idea of representation of these people is nonexistent. These agencies are considered as governmental agencies and therefore they are manipulated by the regime. Accordingly, all job opportunities and positions in these agencies go to relatives and clients of important figures for personal considerations.

The Experience of Representative Democracy:

Brazil is facing similar circumstances like Egypt, as it has moved out of a military authority and suffers from problems of poverty and other economic and social issues. However, social movements succeeded in reforming the relationship between the society and governmental agencies through some initiatives that imposed new mechanisms used for implementing democracy that provides a wider space for public participation. Therefore, large sectors of citizens feel that they can participate in the formation of public policies and that they are efficiently capable of monitoring the performance of their representatives. One of these mechanisms is the experience of "participatory budgeting" of local administration that was implemented in Porto Alegre and other cities in Brazil. People of the city are gathered for a public meeting in a certain district to prioritize public spending projects whether infrastructure or other public services in this country. They negotiate with their elected representatives in local agencies and the mayor of the city whom they monitor their performance. This experience inspired a bigger number of creative initiatives in different fields. All

initiatives aim at increasing participation of citizens in making decisions, monitoring the performance of the government, and evaluating public policies on the local and national levels.⁶²

Decision makers in North Europe, for example in Denmark, focus on the extensive participation of all various social parties in decision making in order to guarantee a quality public policy. This leads to general satisfaction and public acceptance. Although this was acquired through long years of democratic practices, still these countries are always anxious to develop their participation mechanisms of decision making.

Brazil accommodates social liberal constitutions in its political path and swings between authoritative and democratic rudiments. As far as the Brazilian constitutional law is concerned, political rights were conditioned by national approval and rights to vote in public elections. As for democracy, widening the space for social participation was highlighted in the past few years. Restrictions on voting procedures in old constitutions were replaced by additional rights of social participation in political decisions in new constitutions. Suggestions and initiatives of social participation remained simple until the implementation of the 1988 constitution. This law accommodated social demands like freedom and participation in political issues to pilot participatory democracy. Many mechanisms were implemented to widen the space for political rights, especially those that are related to administrative decentralization and participation of the citizen and the civil society in the administration of public policies. There are different articles in this constitution that promote participatory governance. As for the structure, the 1988 constitution identified principles and instructions like: citizenship is the base of a democratic state (articles 1, 5, 8, 15, and 17), social duties in collective issues (articles 205, 216, 225, 227, 230) experiencing popular sovereignty (articles 14, 27, 29, 58, 61). It also institutionalized social participation as one of the forms of sovereignty (articles 10, 18, 37, 74, 173, 187, 231).

Within the framework of institutionalizing mechanisms of participation in public policies, the following were highlighted: administrative decentralization, and participatory administration in the field of social security (article 194), healthcare (article 198), social welfare (Article 203), and education (article 206). Moreover, the 1988 constitution approved social participation as a necessary element, i.e., board of directors in agencies that contribute to participation in the authority (article 89, 103, 124, 130)⁶³.

Constitutional social participation contributed to the emergence of experiences of participatory governance that make governmental decisions in new fields. Institutionalization of participatory mechanisms of public policies is a result of controversy that surrounded democratic practices. This contributed to the emergence of new politicians and the recognition of a new form of citizenship. (Dagnino, Olvera, Panifichi, 2006).

Experiences of Social Participation through Local Agency Systems:

Representative democracy represents the ruling principal in countries like Denmark on all administrative levels. Local agencies are governed by elected boards. After the administrative reform in 2007, the number of local agencies decreased, from 269 to 98 which lead to a kind of democratic shortage. In order to overcome such a problem, the ministry of interior affairs, health

⁶² Mohamed El Agati, Clavis Henric De Suza, “ from Representative Democracy to Participatory Democracy: Experiences and Recommendations. Arab Forum for Alternatives, Cairo 2012

⁶³ Mohamed El Agati, Clavis Henric De Suza, “ from Representative Democracy to Participatory Democracy, Ibid, p.4

and local affairs in Denmark urged local agencies to focus on developing methods that would promote citizens' participation. According to a report prepared by the ministries of Interior Affairs and Health(2009), more than one third of local agency boards developed democratic strategies that support the participation of citizens.

Some of the initiatives that were taken in Denmark are:

- 1- Board Tours: boards hold meetings in different local areas in order to promote a sense of belonging in all local areas.
- 2- Establishing local committees: to represent specific local areas and promote discussions among citizens. These committees are financially independent; they do not receive any financial resources from local agencies.
- 3- Extensive discussion groups: in order to realize the quality of offered services and receive suggestions about improvement.
- 4- Consultancy groups: to cooperate with some citizens in certain local projects.
- 5- Interactive websites: to gather information about the opinion of citizens around certain issues.

Analysis of Arab and International Campaigns:

In an attempt to develop the civil society in Egypt, this part presents examples of Arab and International campaigns that were concerned with liberties and rights in the report.

The campaign of Beni Sameem for water in Morocco:

The water spring, Beni Sammeem, was attacked by privatization policies as dictated by the International Bank, International Monetary Fund (IMF) and the International Trade Organization. This issue led to high prices, vague bills and deterioration in services. In 2006, people went out to demonstrate against high prices, especially water and electricity bills that increased by 7% in August, 2006. The first increase in prices took place in February, 2006 and the second was in July, 2006. Beni Sameem was one of the villages that had a spring of water that many people from the other villages or tribes went to visit. All of these are now threatened by the dangers of pricing and deprivation.⁶⁴ The main objective of the campaign is elimination of the privatization of the water spring. The main motto of this campaign is: "No privatization of a source of water". It mobilizes the inhabitants of the area to insist on their right in public ownership of water and giving the civil society the right to participate in a resistance campaign, internationalizing the struggle through placing this issue on the agenda of the European Union. This campaign succeeded in postponing the privatization project from 2001 till 2010. Through the issue of Beni Sameem, one can realize that privatization of any source of water (water sources, distribution of drinking water in cities, irrigation water...) is a problem.

The Right to Healthcare Campaign in Jordan:

The background of the campaign goes back to the need of releasing new forms of people's work in order to mobilize energies that surpass the rigid traditional forms of work that do not directly and effectively address people's needs. Such campaigns should contribute to a modern social reform and the crystallization of public and media opinions. These opinions would put pressure in order to

⁶⁴ Beni Sameem Campaign for defending the water spring, Gassour, March 2013 on the following link: <http://www.e-joussour.net/ar/node/801>

preserve and protect people's rights against threats of privatization and the new liberal system of administering economic policies. The objective/s of the campaign is to shed light on specific issues that people are either interested in, or affected by as they decrease the benefits that people achieved. The most important strategy of the campaign is to introduce a scientific reading of the files, use previous studies as references, and identify mobilizing mechanisms through sit-ins, announcements, seminars, carnivals and press conferences. The campaign achieved the following:

- 1- The campaign set a new, creative and bold example by using a little space of democracy that needs to be wider, in the country.
- 2- It reduced the speed of privatization of public health sector although it could not end it.
- 3- The campaign supported the demand of teachers to establish a syndicate as it was required by the majority of people in the education sector and was recalled in all events of the civil society. The campaign also contributed to the protection of teacher activists from oppression and threats.
- 4- It contributed to the awareness of people in different social sectors who are deprived of their rights. This takes place within the framework of establishing trade unions capable of defending their rights.
- 5- It changed discussions about the privatization of the private sector from the theoretical to the concrete level that the common individual can comprehend. This new awareness helps the citizen to find enough evidence to oppose these policies.

Fox on Global South:

Fox worked on developing strategies to resist privatization and better still regain the fields that were already privatized. This would guarantee equitable productive systems in the society. Therefore, Fox concentrated on joint studies and campaigns to reinforce the structures and public or communal establishments that provide vital services like water, health services, electricity and housing. Within this framework, Fox cooperates with civil and labour organizations, in addition to marginalized communities, academicians and decision makers. In the field of water distribution, Fox works on reinforcing this service and administering the resources and supporting the resistance and struggle for fair, democratic distribution and policies. Fox and its network have numerous strategies and aspects:

- Deconstruction of the privatization ideology, clarifying alternatives within political contexts that are related to the service and administration of resources.
- Disseminating concepts about democratic transitions of water services. Some of the mechanisms are: Legislative advocacy, interference of media and education to make it a public issue, mobilization, public pressure, construction of alternatives, (collaborations, shedding light on the society, systems based on water issues) International solidarity (through learning from others' experiences, sharing experiences and lessons learnt), and finally, the strength of circulation of information.

Movement of the Health of the People (the campaign of rights of healthcare):

The movement of the rights of health and health care is designed to focus on drawing local and international attention to ways of implementation of healthcare all over the world by a relative transition in resources. This movement is a pioneer in advocating primary healthcare. Its roots are extended to other civil movements and it is founded by activists who have been interested in issues of inequality in healthcare during the past 25 years. The movement demands activation of Alma

Ata's principles that promised good health conditions by the year 2000 and a review of all local and international policies that negatively affected the systems and health conditions in the world.⁶⁵ The campaign adopts a general motto, which is "the rights of health and healthcare for all people". It evaluates the performance of governments in some countries through some reports based on Human Rights charters. It has alliances on both the local and international levels, in addition to the area council that contributes to the international work plan for peoples' health. The movement achieved success on the international level as it currently represents a big sector of workers, activists and citizens in the field of healthcare. One of its biggest achievements is changing local policies and stopping privatization plans. Internationally, it succeeded in changing the discourse and offering alternatives that guarantee the accessibility of a stable, safe and low priced source of water for the poor and the marginalized.

Oxfam Australia (Nike Campaign)

Workers in developing countries take limited wages and most probably they are forced to work for long periods of time in difficult and sometimes dangerous conditions. However, they produce the most expensive brands that make billions of dollars every year. Millions are spent on advertisements and marketing using sports stars, like David Beckham and Michael Jordan. However, if we look behind the bright image of this industry, we realize that it is built at the expense of the poorest people in the world. Workers of sportswear in Asia work for long hours in difficult and exploitative conditions for 3 dollars per day. They struggle to use this money for eating, and clothing themselves and their families. This shows a mistake in the equation and therefore Oxfam Australia works in collaboration with international organizations to convince main companies to improve the rights and working conditions of these workers especially the workers of Nike in Asian countries. These workers take low wages, they do not have the rights to establish unions and have temporary contracts. Oxfam supports workers in order to reach their rights and a better life style. The mottos include: Let the companies improve their behavior and support workers' rights.

- Addressing companies directly and opening the door for negotiations.
- Pressurizing through mass media
- Pressurizing through processes of mobilization and agglomeration like collecting signatures

The most important Arab achievement in the campaigns is evident in the increase of awareness of the issue and the ability of preventing or postponing decisions taken against subjects raised by this campaign. It also achieved some legal gains. Internationally, the most important Arab achievement in the campaigns is evident in the increase of awareness of the issue and the ability of preventing or postponing decisions, supporting people who have rights. The Arab campaigns are effective in spite of all remarks. When these campaigns achieve some development they will gain much. There are three Arab strategies used: mobilization, agglomeration, pressurizing and legal defense. On the international level, there is no legal aspect, but the strategies vary. Raising awareness and offering alternatives are used in addition to other strategies mentioned above. Offering alternatives is a strategy that has to be developed and used by the Arab campaign or else it would be a threat against achievement of objectives. One of the drawbacks is the weakness of effective communication between local and international campaigns. As is apparent from the nature of these campaigns that were analyzed above, there is no need to reinvent the wheel by planning for new campaigns assuming that they might be more comprehensive than the current ones. It is necessary to plan for

⁶⁵ <http://www.phmovement.org/ar/ar/about>

new mechanisms to connect the current campaigns and generate new ones through them especially on the Arab local level.

Conclusion and Recommendations

A heritage of tyranny, corruption and animosity of the previous regime to rights and liberties is evident. This places the responsibility on the civil society to play a vital role especially after the recognition that the present authority is based on the same authoritarian structure in ruling the country. This is the same desire of the counter revolution people who want to recapture the characteristics of the old regime. Therefore communication between both parties, the present authority and the counter revolution people who want to achieve common interests at the expense of a system of economic, social, cultural and political rights and liberties is a strong possibility. This would negatively affect the people who went out on January 25th to ask for living, liberty, social justice and human dignity; the needs that are threatened by a police force retroactive system.

Nothing has changed in labor rights after the revolution. Same policies are used as the authority and the ruling Liberty and Justice party dump the provisions and suggested legislations related to these rights, whether before or after the revolution, from their real content and significance by slight modifications in approach or legislations or process of implementation.

Although processes of privatization of fields of services have slowed down, there is clear evidence that they did not fall. They are postponed because of anticipated protests of poor and middle class societies that would greatly suffer from social and economic burdens. As for the freedom to organize, Egyptians have struggled to grab it during the past ten years. It was crowned by the revolution and what followed from organizations and protests. Although it is difficult to take back this right, but it might be exposed to legislative attacks during this period of time because the authority and agencies of the old regime perceive it as the obstacle that stands against their stability. This right will be a point of reconciliation between them as is evident from the suggested law of organizations in the Shura Assembly at present.

If the campaign held against the right of organization is aggressive, the media campaign against citizenship is even more rigid although it has not yet reached the level of a suggested legislation. The rationale behind this attack is to promote counter legislations or to stand against constitutional articles about citizenship in order to waste relevant rights.

Accordingly, people who are interested in liberties and rights have to work on strategies that prevent the domination of some waves in the society on citizenship rights through social and political mechanisms during the coming period of time.⁶⁶

Legal mechanisms focus on working through judicial cases in specialized courts in order to protect international agreements and charters that Egypt has ratified. This step guarantees that legislative authorities would not disregard these rights or attempt to interpret controversial texts in the constitution in a way that allows retroactive waves to interpret them in a different way in the future. Therefore civil communities have to take the initiative instead of waiting for these legislations that threaten these rights. In other words, they have to act rather than react as usual.

On the political level, they have to build a big network of alliances that accommodates all agencies concerned in the civil society, political parties and youth movements. The objectives of this network are preserving freedoms, putting regulations to maintain these rights and working on means of implementation in reality. It will also invade governmental agencies to find and guarantee support for these rights from within.

⁶⁶ Mohamed El Agati, *Women and Citizenship*, ibid.

The social aspect is concerned with those who are interested in these rights in reality and raise the mottoes of support rights of labor, services, organizing, and citizenship concepts through media campaigns. This work is accompanied by real work in different districts in Egypt in order to clarify the importance of these concepts and rights, not only in the field of politics and citizenship rights but also in the fields of economy and social affairs. They explain the influence of wasting these rights on the circumstances of the citizen in daily life practices and standards of living.

The development of these strategies does not negate the necessity of exerting continuous effort to attempt constitutional modifications to reach the desired standards through additional legislations of the constitution after its modification. These developments are based on international experiences and suggested local initiatives in this field.

Within this framework, there are some procedures that the civil society has to do:

- Supporting protest movements on the organizational and awareness levels of meaning in order to develop them from being temporal movements with limited demands to social movements. Supporting local communities and committees that were formed during revolutions in order to enable them to play effective roles in monitoring and questioning both the government and legislative agencies.
- The civil society has a main responsibility of communicating with the people and explaining the roles of the civil society and its agencies. This would bridge gaps and defeat doubts of the people towards these agencies. This entails the commitment of the civil society to transparency in order to confront the discourse of security agencies.
- The same matter forces the civil society to be more effective in widening the space of activities vertically and horizontally in a geographic spread that defeats the concept of centralization in the capital and some other urban cities. In order to facilitate these tasks, agendas have to be inspired by the surrounding communities in different Arab countries.
- Pressurizing in order to activate the principle of transparency, the freedom of circulating information, resistance of corruption through specialized supervisory bodies. The civil society has to set an example and be committed to the principles suggested in this area.
- Focusing and supporting the rights of the marginalized (women and minorities) within the framework of the concept of citizenship to enable them to reach their political, economic and social rights. These attempts should be supported by experiences of others like the Czech experience of dealing with women's rights that were prioritized on the agendas of different political parties.
- Working on suggested agendas for legislative agencies in order to develop laws that reflect the demands of the revolution, like for example, laws relevant to freedoms of trade unions, structures of work and wages, insurances and unemployment aids.
- It is not enough to condemn the current governmental economic policies. There is a need to cooperate with developmental agencies in order to suggest alternatives.

Assessment of the European Path

Khlood Khaled – Ahmed Mansour – Abdel Mula Ismaeil

Edited by

Abdel Mula Ismaeil

September 2012

Introduction

The Arab region witnessed many political changes, particularly what is called the Arab Spring countries. The drive behind these political changes -marking the fall down of a political era of rulers who practiced autocracy and oppression for long years- was the search for dignity, freedom and food, thus the "social justice slogan" was one of the most important icons of the Arab revolutions.

The new liberal economic model, supported by United States of America (USA) and European Union countries (EU), was also one of the reasons behind these Arab revolutions. Many institutions -whether financial as the IMF and World Bank, or political blocs including of course the EU- promoted that model as the locomotive for growth, particularly in the light of growth rates that eamed high in some years, particularly in some countries like Egypt and Tunisia.

No doubt the change that the Arab Spring countries has gone through, called for reviewing previously adopted polices particularly with regards to EU countries. It is good to review these policies, but did the policy change match the huge political change in the Arab Spring countries? This paper will try to address the Egyptian- EU relations before and after the Arab Spring. This will include reviewing some of the European initiatives since the Barcelona process up to the declaration of the Union for the Mediterranean. Since this is a highly entangled relation, we opted for addressing the main stops through critically reviewing the main aspects of each initiative.

We try, through addressing the Egyptian EU relations, to touch upon a central question: What are the gaps in this relation on one side, and on the other side exploring the points of strength of such a relation. In this endeavor we focus on three main files; agriculture, trade & investment, and civil society. Addressing the previous topics will be through reviewing the European path with regards to Egypt since Barcelona 1995 and the signing of the Neighborhood Policy 2003 and signing of the Egyptian -EU Partnership Agreement, and then we will move to the Union for the Mediterranean initiative 2008, in addition to some European Financial institutions. We will try to identify the main feature of the three aforementioned topics.

We have tried also, within the frame of this paper, to address the general European path and its relation with Egypt through two different periods: pre and post the 25th of January revolution, what is known as the Arab Spring.

The different topics in this paper will be addressed through some key themes. In the first theme, we will address the EU path before the 25th of January revolution. The second theme will address the new changes after the Arab Spring revolutions, and we will try in the 3rd theme to discuss visions and ideas on the civil society within the EU path before and after the 25th of January, or the Arab Spring revolutions. We will then provide the main recommendations that can deepen the Egyptian European interaction through providing recommendations built on conclusions with regards to identified gaps and flaws in the nature of European Egyptian relation. We hope that this will contribute to the reassessment of this relation and enhance the joint cooperation frameworks in another different context.

Theme 1: General Framework for EU Policies with South of the Mediterranean Countries before the Arab Spring revolutions

1.1 Barcelona Process 1995

The Barcelona Process is built on three main pillars:

- The political and security framework.
- The Economic and Financial framework.
- The people's dialogue and Social and cultural diversity framework.

The Barcelona process included two frameworks:

- A) Multilateral framework that included Ministerial meetings, sectoral meetings and the civil society forum.
- B) Bilateral framework, which included bilateral agreements within the Euromediterranean partnership with the South of the Mediterranean countries, involving two main pillars: organizing political dialogue and establish free trade zone.

Unfortunately, none of the Barcelona process pillars was achieved, with rare exception. This could be the result of many reasons:

- The direct link of the Barcelona process with the Peace process in the Middle East, to a degree that it could be said that the Barcelona process came mainly within the specific visions on the momentum of the peace process in the Middle East at the time.
- The lack of balanced relations between the European and the Middle Eastern parties, where the negotiations process is running between two unequal parties, where the European party functions within the EU system, while the Mediterranean parties enters the negotiations on individual basis, thus emasculating the power balance.
- None commitment of the EU countries to providing enough funding within the Barcelona process relevant to stated objectives.
- Giving high priority to the economic files at the expense of political topics.

1.2. Neighborhood Policy

The Neighborhood policy was formulated 2003 under the rubric of full economic integration, in case the proper reforms are implemented within a general framework specified in the Work plan. It is a policy paper and not legally binding. The work plan included both general and specific themes; extending over 3-5 years that could be renewed.

Problems that faced the Neighborhood policy.

- Predominance of the security aspects over other aspects. It affirms that EU countries, in practice, link aid with security cooperation, even in the absence of explicit text.
- Preference of Bilateral relations over Multilateral relations.

- Preference of positive conditionality (providing more financial support In return for economic reforms and security cooperation) without EU objection to negative aspects with regards to human rights files In the Mediterranean countries. On the other side, absence of negative conditionality, i.e. putting pressures on the Mediterranean countries in case of human rights violation; EU ignores human rights violations despite the fact that there is an explicit text in the partnership agreements with the southern Mediterranean countries. For example, the partnership agreement with Egypt states that Human rights situation has high priority. Article 86 allows EU countries to resort to negative measures in case Egypt violates human rights. Despite the clear forgery of the 2010 parliamentary elections the EU didn't even make a gesture to the Egyptian government that it had violated human rights standards. The same happened in Tunisia at different levels. This clearly indicates that EU can keep a blind eye to human rights violations as long as the Southern Mediterranean countries indulge more and more in the field Free trade and provides security facilitation.
- Making Security and Economic reforms (new liberal) equal to required political reforms, while the partnership agreement between EU and Egypt has political rights at the forefront. According to the work plan within the neighborhood policy, introducing economic reforms following the new liberal model would guarantee the required support to the Egyptian government. This means that EU path with regards to Egypt was running, in reality, against the partnership agreement with the Egyptian government.

1.3. Union for the Mediterranean

The Union for the Mediterranean (UfM) was launched in 2008, including the 27 countries of the EU and 16 of the Southern Mediterranean countries. The European community was to support these countries economically and politically and enable them to go through democratic transformation. The UfM is divided in to two sections; the first is about political cooperation, and the second deals with economic cooperation and free trade zones.

As previously stated, the political cooperation states:

- Political dialogue at the Ministerial level.
- Egyptian official level and European Committee and European Council.
- Using all diplomatic channels to enhance political cooperation.
- Using all other possible means to assist political cooperation.
- The “social and civil issues committee” was established at the UfM administration to address civil issues and community development. Among its activities:

- o **Marseille Center for Mediterranean integrity**

The center was established to facilitate access to better knowledge, promote sustainable development, greater convergence with regards. The center deals with governments, and organizes different Ministerial meetings. Partners included Egypt, Tunisia, Morocco, Jordan and Lebanon.

The center is not a tradition project, but rather one that networks all different initiatives. It is providing a forum for meeting and research and looking for awareness and

inspiration⁶⁷.

○ **Anna Lindh Foundation**

The Foundation is based on creating common future for the peoples of the Euro Mediterranean region. ALF developed region-wide Network of over 2800 civil society organizations⁶⁸, as well as supporting partnerships and communications amongst the network members in 43 countries.

In Egypt, the elected Head of the Egyptian Network of the Anna Lindh Foundation is the **Young Masr Association (OMA)**, based in Alexandria. It is responsible for strengthening the role of youth through different fields. It is considered one of the successful examples and was mentioned in a book on successful experience in the Arab community.⁶⁹

The previous movements indicate the minimal role played by UfM in Development and civil society issues. Furthermore, this role is mainly about networking or sponsoring initiatives by member countries, e.g. the Spanish Initiative.

Some of the activities of the Union for the Mediterranean UfM

- The social and civil issues Committee participated in a youth exchange program (March 2012) between the EU and South of the Mediterranean. The program, on dialogue among youth and enhancing their role in social and political life, was run by the Spanish civil society platform.
- The UfM established (July 2012) the program to develop skills of unemployed handicapped, youth and women so that they receive vocational training to encourage them to compete for work opportunities and limit unemployment.

1.4 European Financial Institutions

EU practice its financial role with regards to its relation with the southern countries of the Mediterranean through two financial institutions: the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD).

The European Investment Bank was established in 1958 within the Treaty of Rome, with the objective of achieving the EU objectives through long term funding for investment and opening markets. Although the EIB became one of the most important international funding institutions - even more than the International Bank for Development and Construction-; and although the European Investment Bank functions within the EU system, yet the Bank's legal situation is vague and unclear.⁷⁰

⁶⁷ Mats Karlsson. Using Evidence to Bridge untenable Gaps. Annual report for the Mediterranean 2010, page 125 (<http://cmimarseille.org/Resources.php>)

⁶⁸ Asia ben Salah, Anna Lindh Foundation in 2009, launching a new path. Annual report for the Mediterranean 2010, page 295

⁶⁹ The official website of the ALF. <http://www.euromedalex.org/ar/networks/egypt/news/conclusions-egyptian-national-civil-society-network-meeting>

⁷⁰ See paper on funds for public benefit, the Monitoring European Banks' network

The European Bank for Reconstruction and Development (EBRD) was established 1991 to facilitate the formerly Soviet Union countries' transition through the [process of establishing their private sectors](#) o market economy. It works currently in 29 countries in Eastern Europe and Central Asia. The Bank was not active in the Arab region; however, after the revolutions of the Arab Spring, the bank announced its first investments in Egypt, Tunisia, Morocco and Jordan in September 2012, according to Special fund (one billion Euros) to expand its activities in the Arab spring region in addition to Jordan and Morocco.

The EBRD encourage the private sector and enhance its contribution s with the public and governmental sectors. Which lead to deepening of the privatization policies of the economic activities of both governmental and public sectors. This means following the European economic approach based on free trade and the new liberal economic model as the basis for the neighborhood policy with the countries south of the Mediterranean built on adopting the economic growth principle.

Furthermore, the European financial intuitions' projects are characterized by lack of monitoring and transparency mechanism, particularly with regards to the role of civil society organizations. This is specifically true in the context of polices on assessing environmental impact of the projects receiving loans from European financial institutions, e.g. the framework agreement between Egypt, the European Group and the European Investment Bank on implementing financial and technical cooperation (signed on February 1998 and published in the official Egyptian newspaper in April 2002.⁷¹

1.5 Egyptian European Partnership Agreement

Egypt became a partner in the Euromed cooperation agreements since 2003.⁷² A strong debate is going on the purpose and objectives of these agreement, particularly after 10 years, and whether it is really interested in promoting social and economic conditions and achieving sustainable development for the peoples of the region, or it is only restricted to governments restructuring and liberalization of economy. The general framework of the partnership agreements includes aspects that address economic, social and political conditions. The first article of these agreements specified cooperation areas between Egypt and North Mediterranean countries as follows:

- Appropriate framework for political dialogue.
- Increasing liberalization of trade of goods, services and capitals.
- Supporting balanced development in economic and social relations.
- Contributing to economic and social development.
- Encouraging regional cooperation to consolidate peaceful coexistence and economic and political stability.
- Cooperation in other fields of common interest⁷³.

The second article, explicitly states that, in addition to agreement articles itself, the relations

⁷¹ Official Gazette 18/04/2002

⁷² Official Gazette, issue no. 47, 30/11/2003

⁷³ Revise the Partnership Agreement between Egyptian government and European Commission

between contracting parties should be based on the respect of democratic principles basic human rights as stated in the International Declaration on Human Rights, which guide the internal and international and is a main aspect of this agreement.⁷⁴

Although the Partnership Agreement articles did not address in a clear way standards of sustainable development, yet the group of fields addressed by the agreements, particularly on the natural resources, are based mainly on support and promotion of sustainable economic and social development and no cooperation and economic integration could be achieved without having concrete basis addressing the implementation of sustainable development standards.

The sustainable development standards include; sustainable and rational management of land, enhancing access to land, enhancing transfer of property, to improve the investment environment and agricultural productivity specifically. This is what the texts of those agreements lack; none of the agreement's texts refer to the importance of accessing land even when it addressed the agricultural products, or the economic cooperation to reduce poverty and develop economic and social conditions, and although it addressed (article 44) the importance of cooperation to prevent environmental degradation and reduce pollution through rational use of natural resources to guarantee sustainable development.

Many debate this article since it didn't address the potential effects resulting from cooperation in the field of energy, agricultural and fishery products, water resources, and other fields of cooperation included in the agreement, which have both direct and indirect effects on the land in the Southern Mediterranean countries, taking into consideration that these countries, contrary to the Northern Mediterranean countries, failed in establishing measures to protect the rights of each of her citizens to access land and tenure.

Any agreement addressing sustainable development must be based on supporting the right to access to and ownership of land, particularly in the case of Egypt whose legislations are weak in protecting possession of land particularly with regards to privatization and restructuring.

This has been also emphasized in the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security" which was issued by the World Food Security Committee in the UN Food and Agriculture Organization (FAO) in its 38 session, May 2012.⁷⁵ These guidelines' objective is improving the governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.

These guidelines emphasized that non- state actors, including business enterprises, have a responsibility to respect human rights and legitimate tenure rights, and should include appropriate risk management systems to prevent and address adverse impacts on human rights. They should also provide investments, together with relevant governmental levels and the owners of the right to tenure and fisheries at the local level. in a way that respects their tenure rights and contribute to eradication of poverty, food security, sustainable use of land, support for local communities, and

⁷⁴ The same source
⁷⁵ "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security". <http://www.fao.org/bodies/cfs/cfs38/en/>

promotion of sustainable economic and social development.

The partnership agreements should not stay away from the international guidelines and standards in supporting access to land, particularly for the rural poor, and should not ignore that secured tenure of resources is crucial in linking food security, sustainable management of resource, peace and security and poverty eradication. Sustainable development is not a technical challenge, but a political process involving negotiation, conflict resolution and management of specific interests. On another way, sustainable development is about the way people establish their political, economic and social systems to decide who has the right to use resources, for what end and according to which conditions are these resources used and to what extent.

The partnership agreements included economic and social development in some of its articles. However, this was done in a generalist way lacking specificity and details or even linking it to what might happen as a result of free trade and market mechanisms, particularly in the field of agriculture. In fact Egyptian farmers are suffering poverty and marginalization, particularly since the liberalization of the agricultural land market following law 96/1992 on liberalization of the rental relation between landlords and tenants. According to this law land was taken away from tenants and letting rental value for agricultural lands decided by the market forces. The inequity between landlords and tenants ends up in unequal opportunities and restrictions impacting them. In addition to unjust distribution of wealth and influence, the poor and vulnerable are unable to influence different matters that impact their lives and destinies.

On the other side, after the abolition of subsidies to production supplies, agricultural reform policies represent and increasing exploitation for poor farmers. Small farmers can't pay some of these costs not to mention their inability to pay the already high rent. The result; their acceptance of forms of relations, rent through joint farming (*Al egar bil Mozaraa'a*) makes them provide unpaid work days for the interest of the landlords. It is worth noting that small farmers represent 95% of Egyptian farmers (5.5 million farmers)⁷⁶

Competition mechanisms in Egypt benefit only a specific category of the community, big businessmen and investors. The competition law in Egypt, issued 2003, causes huge problems after the launching of a comprehensive structural reform program, "Economic Reform and Structural Adjustment". This program was established and implemented in cooperation with the World Bank and IMF. It included substantive number of issues relevant to political and institutional reform to transform the Egyptian economy to market economy.

Furthermore, the establishment of free trade zones under this competition, seeking primarily to activate markets in the Mediterranean countries, lead to the emergence of unstructured economy as the sole outlet, a matter by itself, prejudices conditions of competition, promotes inequality, limits the state's ability to maneuver, and damages the economic and social rights, and working conditions within the structured sector. If the direct foreign investments did not increase substantively, or if the European farmers markets are not freed, this might make the free trade zones impact these countries negatively.

In view of the above, one should question the importance free trade zones at the social level, if no compensating measures are taken to address such negative implications. It would violate the

⁷⁶ unpublished Preliminary data, agricultural statistics, Ministry of Agriculture and Land reform, 2012

"sustainable social development issue with regards to specific social strata and specific countries. This means more adverse effects of the special measure for economic reform policy, which in turn make the community generally, so some categories of the community get ready in one way or another, to bear more consequences. Most important of these consequences is impairment to the right to access land, weakening land tenure and increasing poverty of more farmers and fishers due to these mechanisms.

Among those consequences also is the illegal immigration, one which partnership agreements failed to eliminate or even limit. It is also a challenge that lead to impoverishment of society and reduced the right to access land. Most of illegal immigrants come from the families of small farmers harmed by the restructuring agricultural policies, and became unable to survive the open market, which made many of them give up and sell their lands to facilitate youth illegal immigration to Northern Mediterranean countries, to support their families and provide them with means of living.

Land is an economic resource and an important factor in the formulation of individual and collective identity, and in the daily organization of social, cultural, and religious life. It is also a major political resource which determines power relations amongst individuals, families and local communities.

Land also impacts the prospects and daily choices for poor farmers, men and women. Access to land and securing tenure influence decisions relevant to nature of planted crops, whether it is for existence or commercial. It also influences the readiness of farmers to invest in production improving measures and sustainable management.

Thus partnership between Egypt and EU countries needs more details on subsidizing production services and market linkages to promote positive impact to access land and secured tenure and overcome obstacles to access information and financial services, markets, agricultural guidance etc that can reduce vulnerability of poor farmers to invest in sustainable management of land and increase production capacity. Partnership should change the inefficient bureaucratic systems which serve the land lords elite interests.

Also, at the internal level, the Egyptian government should reform the legal structure that organizes farmer's status in Egypt, particularly poor and small farmers, especially with regards to the farmer's right to establish their voluntary production and marketing cooperatives, securing access to land and ensuring security of tenure.

The social and economic aspects of land should be always take into consideration in Partnership agreements, to limit the impact of freeing markers and restructuring mechanisms impose by the partnership. Moreover, both parties are committed to international stander ads, particularly the International covenant on Economic, Social and Cultural Rights stating in one of its articles that state parties should encourage reclaiming and development of agricultural land distribution systems in a way that would ensure the most efficient development and utilization of natural resources.

Thus, the framework and content of these agreements should be reviewed to take into consideration the situation after the 25th of January revolution. Big challenges are facing economic and social rights. The new governments are still dealing with these rights, particularly the right to access land, as trivial and not pressing despite the fact that social and economic rights were among the main motives of protest movements leading to the revolution.

Improving small farmers laws are still working, particularly law 96/2002. State policies have not changed with regards to support and promotion of the right to access land, and the “revolution’s Government” opted to borrowing from IMF. Furthermore, the business men groups monopolizing the EU partnership agreement are still in their positions, despite their gross violations to the right to access land and confessionalization of lands from its tenures.

Theme 2: The general framework of EU Policies with Northern Mediterranean Countries After the Arab Spring revolutions

2.1- More for More

EU launched its document “More for More” after the Arab spring based on both “spring” programs for supporting partnership and reform and comprehensive growth and the Civil Society Facility. According to the EU declaration, 25th May 2011, EU policies with Northern Mediterranean countries, particularly Arab Spring countries, would be assessed. This policy is based on “More for More” principle. However, this document is a European one, and not based on negotiations with the other Mediterranean parties.

The More for More policy is based on more financial support from EU to countries which would adopt more economic and political reform. The evaluation standards employed by the EU within the “Spring” program includes: mechanism to fight corruption, free and just elections, freedom of assembly, freedom of expression, rule of law and independence of judiciary, etc.

2.2- Deep and Comprehensive Free Trade Agreement

On the 26 of September 2011 the EU launched a new series of trade negotiations based on readiness to establish free zones in the framework of deep and comprehensive free trade agreements; as a tool for democratic transition and reform. These negotiations are based on multiple standards included in the “Spring” program referred to above. Within the economic reform, it entails some of the conditions on and commitments by the Southern Mediterranean countries including access to markets particularly agricultural markets; services, public goods, and investment, including governmental procurement; within the framework of reducing the tariffs on European goods. It is expected that these negotiations are based on the following factors:

- Access to public services and thus more liberalization of public services particularly governmental procurements.
- Facilitation access of industrial goods to the Southern markets. Of course the main beneficiary in the context is EU. It is enough to point out to the chronic trade deficit regarding Egypt relations with EU countries and its increasing rates since signing the partnership agreement till now.
- Reform of legal and legislative structure to guarantee more convergence between countries of EU and south of the Mediterranean. One telling example is the intellectual property laws; Egypt in 2002 issued law 82 on intellectual property. This law deprives the Egyptian farmers from their rights to the genetic assets of plants and animals, and a vast decline with regards to the farmer's right to access genetic resources particularly seed for agricultural crops. The

Egyptian market became wide open to transnational European and American companies, and the Egyptian farmer has no ability to reuse the European and American seeds through breeding or enhancing them, or even exchange them amongst Egyptian farmers themselves. This is also a decline from the UPOV agreement, which allowed farmers some rights with regards to exchanging seeds amongst themselves as long as this doesn't happen with trade exchange markets.

- Facilitation of the movement of capitals and payments.
- Competition protection.
- Consumer protection.
- Facilitation of trade and reducing tariff restrictions.
- Linking trade to sustainable development.
- Creating mechanisms for quick communication in crisis's and trade disputes.

It is worth noting that the EU commission had suggested the deep and comprehensive trade agreement within the European neighborhood policy in 2007. No doubt that suggesting such trade agreements after the Arab Spring revolutions emphasizes that the EU policy with regards to trade and investment has not changed, as if the EU insists on promoting the same economic patterns that the Arab revolutions happened against. As if nothing has changed in the region, including Egypt, whose peoples have revolted for more economic justice, freedom and dignity.

Theme 3: European Union and Civil Society after the Arab Spring

3-1 Civil Society Facility

This program was launched after the Arab Spring revolutions aiming to guarantee a widest participation of civil society organizations (CSOs) in the Arab neighborhood region at the local and national political levels particularly those concerning neighborhood relations. Also to increase the CSOs participation in designing programs to monitor EU aid and the implementation of related programs. Further more, creating a conducive political environment for the work of civil society both national and in its relation to EU countries.

3-2 Union for the Mediterranean after the Arab Spring

The Union for the Mediterranean charter did not specify mechanisms to activate the role of civil society within the cooperation between EU and Egypt; it only referred to the importance of the civil society without details. The charter pointed out to following international texts with regards to civil society and on the importance of human rights and diplomatic cooperation between Egypt and EU.

Despite the fact that there was no explicit text on cooperation and civil society development in the Mediterranean countries, some analysts see some change with regards to the mentality on supporting democracy in the UfM, since the latter opened the way for diversity and not only bilateral relations as was the case in the partnership agreement. The dual presidency rotating

amongst members allows for a wider space to deepen the partnership.

The role played by the UfM after the Arab Spring revolutions is still limited compared to the change that happened, and even more it doesn't have a direct impact on increasing the civil society role and there is no specific mechanism to strengthen that cooperation. Despite the emphasis of the UfM countries on the importance of civil society and activating its role in political life, yet the practical translation of such statements in reality are lacking.

The response to the changes brought by the Arab Spring was to review the neighborhood policy to cope with the new realities; however, the new texts have some problems:

- There is no specific practical methods on how the EU will assess progress of the reform partners and their actual implementation of stated reforms
- The new EU neighborhood policy suffers sever lack of funding

3-2-1 Tools for Supporting Civil Society

Support to civil society is undoubtedly based on availability of proper funding to effectively practice its political and developmental role. During the period 2000-2006⁷⁷ the EU provided 5 million Euros for democracy and human rights, and another 5 million Euros through the Anna Lindh project in Alexandria. After the revolution, the EU response to change was the development of the EU neighborhood policy⁷⁸ supposedly to be effective in 2013.

As for individual EU members response; Germany created some funds for quick response to change: 8 million Euros too North Africa Youth, 6 million for spreading democracy, and 52 millions to support small projects⁷⁹

The previous numbers show:

- EU Slow response to change, which diminish cooperation possibilities
- The limited funding provided to civil society

3-2-2 Analytical view to the policy to support Civil Society and its efficacy

Positive aspects:

- What the European Partnership was able to achieve was establishing an institutional relation between EU and its Southern neighbors. This relation was always based on conditionality of financial assistance in return for reform in administrative systems, human rights and institutionalizations. Projects were designed and implemented by active actors within the civil society. Various measures were taken, simultaneously, at the regional, sub regional and bilateral levels, and in different ways which provided for a certain degree of positive decentralization

⁷⁷ The Egyptian Strategic Report 2007-2013. EU Commission.

http://ec.europa.eu/world/enp/pdf/country/enpi_csp_egypt_en.pdf

⁷⁸ Saly Isac, EU and the Arab Revolutions; from weak response to changing Neighborhood policy". Page 10

⁷⁹ Ziena Regirger, Mohamed Meziany, German projects to support democracy in North Africa. <http://www.dw.de/dw/article/0,,15793584,00.html>

- Linking Euromediterranean partnership to the Black Sea Initiative⁸⁰
- Joint presidency of two countries (one from the North and the second from the South) is considered a new point towards promotion of cooperation and inclusion amongst the member countries of the Union for the Mediterranean

Negative aspects and obstacles to cooperation:

The Euromediterranean cooperation process became too complicated (diverse cooperation programs, duplication of the regional dynamic tools, institutional complexity, and varying impact on Southern and Eastern Mediterranean countries) that there is a lack of knowledge with regards to way of working and its details at the basic technical level, even among experts and stakeholders involved:

- Dealing with Euromediterranean countries in a unified way that doesn't take into consideration the specificity of civil society in each country.

- The European financial crises which impacted greatly the financial support directed to countries in the South of the Mediterranean countries.

- Identity is one of the main factors influencing the relations within the Union for the Mediterranean. The French diplomacy provides a caricature of the increased internal concerns at the expense of the Euromediterranean political diversity logic when faced with the test of receding identities and nationalisms.

- Issues of sovereignty within the EU countries themselves; each country see the unified foreign policies as diminishing the state's national sovereignty, consequently, state members prefer, in general, to act individually with regards to political issues under which comes the civil society and its struggle for democracy.

- The EU is based on economy, from the Iron and Steel Union to the current structure of the EU. Thus the main objective of the UfM is economic. This is reflected in the texts of the agreement which mention the political cooperation in two pages, where the economic cooperation is addressed in 25 pages.

The UfM is based on cooperation between official authorities in both sides. This makes it hard to push forward the civil society particularly in the previous dictatorship regimes. It is inconsistent that the support of EU to autocratic regimes that void civil society of its purpose and in the same time support the decentralization embodied in the civil society.

Obstacles from South of the Mediterranean countries

- Unrecognizing of the importance of civil society and the regress in its role in the previous dictatorship regimes.
- Bureaucratic and structural complexities in civil society

⁸⁰ demetrios Triantaphyllou. Links of Eastern Partnership and Black Sea Initiative. Annual Book of the Mediterranean. 2010, 139

- Differences between EU and the Mediterranean countries at the institutional and organizational level. It is therefore important to harmonize variations through supporting civil society organizations in countries concerned with partnership to be able to deepen the partnership.

Theme 4: Conclusions and recommendations

4-1- Main conclusions

- The changes made by the EU to its policies regarding countries of the Arab Spring, including Egypt are weak and do not match the level of great political changes
- There is still a need for reassessment of the political economic framework governing the European-Egyptian relation.
- The role of civil society organization at both side of the Mediterranean is still weak, and there are no institutional frameworks to integrate civil society organization into active and serious participation in formulating the relation between the EU and Egypt, particularly after the Egyptian revolution.
- There is a European insistence on following the same neo-liberal economic approach; particularly neo-liberal economic policies on free trade and investment without making serious change towards the integration of social justice within the context of this economic model.
- The European financial institutions, especially the European Investment Bank and the European Bank for Development and Reconstruction, operate in isolation from political context governing the Egyptian European partnership, and lack criteria for integrating human rights standards within the activities of the banks.
- The Agriculture portfolio is missing in the Egyptian –European partnership agreements, particularly with regards to farmers' rights. While the EU calls for more liberalization in the Egyptian agricultural sector, there are in the other side more financial allocations to support agricultural goods in the EU countries.
- Increased tariffs rates imposed on Egyptian exports to EU.
- EU did not use negative conditionality with some of the Arab Spring countries like Egypt regarding human rights violations.

4-2- Main Recommendations:

- Reassessment of the European Path and positioning the human rights approach at the forefront of the EU neighborhood relations.
- Clarifying explicitly what is meant by "inclusive and sustainable economic growth" concept.
- Expanding the economic approach within the EU partnership beyond the focus on economic growth to work towards establishing a model which gives priority to building productive capacities, consolidating redistribution mechanisms, providing decent work

opportunities, promoting equality in economic participation and benefiting from economic growth⁸¹.

- Integrating and implementation of human rights, including the right to development, and decent labor standards in EU programs in the region through strengthening of coherence and cohesion of the public policies and practices, and through using these human rights indicators for the assessment of progress under the European Neighborhood Policy.
- Objective assessment of the implications of the desired macro economic policies within the partnership between the European Union and the Arab states on the development capabilities and prospects. This requires expanding the participation of civil society institutions including workers' unions in debates concerning macro – economic policies between the European Union and the Arab states and review these policies from a human rights perspective.
- Review and assessment of the role of European financial institutions, including the European Investment Bank and the European Bank for Development and Reconstruction, to make them adopt approaches that support productive capabilities, provide opportunities for decent work, promote civil society participation in monitoring and discussing the policies and programs sponsored by these financial institutions and the approaches they promote for legal and institutional reform in the countries receiving such investments, and emphasize the importance of assessment of the impact of such programs and projects on human rights and international labor standards.
- The European financial institutions should support contracts that take place within open and transparent bidding.
- EU member states should define the legal and institutional position of the bank within the European Union.
- The European Investment Bank should base its policies in the of energy, forestry, transportation, water, land, waste management and other sectors on the principles of sustainable development, and existing European policies and legislations.
- Working towards consolidating human rights and development approaches within the free trade and investments agreements. The trade and investment relations between the EU and the Southern Mediterranean countries constitute a main pillar in the cooperation and partnership relations between the two parties, especially since the European Union remains the main trade partner of many countries, including Egypt. However, the liberalization of trade and investment agenda implemented since the launching of the Barcelona process, has led to tremendous pressures on productive capacities in the Southern Mediterranean countries and on the private sector, employment and average wages and government spending on social services. In this context, we recommend the following:
- There is a need within the trade agenda –including liberalization of trade in the agriculture and services provisions- to new assessment of the achieved outcome, to date, of the liberalization process of agricultural products from a developmental and human rights perspective. Practical measures should take place to counteract negative consequences on the production sectors and the workers in these sectors.
- Reviewing policies on patents on plant and agricultural assets to help meeting the small farmers' nutritional needs.

⁸¹ Paper presented by the Arab NGOs for Development Network to EU

- Enhancing total transparency on the negotiations of the comprehensive and deep free trade agreement. Failure to do this impacts the people's path towards democratic institutionalization which is detrimental to the demands of the popular revolutions in the Arab region. Evaluation of such notions and their impact on the right to development and realization of economic, social, political, cultural, environmental rights in the Arab countries before the start of negotiations on new bilateral agreements.
- Taking into consideration that the competitive and procurement governmental policies and protection of investment, have a wide impact on the provision of making national development policies. Since many of the developing countries, including those South Mediterranean countries, refused to include them in the negotiations of the World Trade Organization (WTO); EU should not include such issues into bilateral agreements with Arab countries without studying its implications on national development policy, and should abide by the recommendations of the EU parliament. These include providing models of investment agreements that respect the ability to governmental interventions for public interest, clear definition of the "investor", in order to address any negative influence on public interest and the sovereign right to organize and to avoid the protection of speculative investment, and those to the arbitrary practices.⁸²

Civil Society and New Partnership Framework

To build cooperation between the Mediterranean countries and EU at the level of civil society, it is important to include and take into consideration the following points:

- Simplification of the EU complicated organizational structure through establishing only one specialized committee to work on civil society in member states, with its headquarter in the European Parliament building. Appointment of one expert from each country to increase the efficacy of cooperation at the decentralized level.
- Having specific mechanisms to ensure access to funding to agreed projects and receiving feedback to develop support and cooperation plans
- More institutionalization and organization of the dialogue with civil society groups to ensure their involvement in all phases of designing policies and specifying, implementation and evaluation of programs and projects
- Reviewing the EU policies to support civil society based on specific preset projects, and simplification of the cooperation mechanisms in this provision to promote support for sustainable civil society movement and democracy in the Arab region.

Access to land and Sustainable development

- EU countries should pay attention to international standards on the protection of the right of access to land and strengthening tenure tools, especially for poor and vulnerable groups
- In their agreements with Egypt to promote cooperation and investment, EU countries should demand that the latter, must respect human rights principles regarding protection of the right to land and promote community participation in the process of development of economic and social conditions. This includes the development of land tenure legislation and laws, and protection of small farmers to deal with competition mechanisms with the European market;

⁸² European Parliament Resolution 2010/ 2203(INI) on future European international investment policy (April 2011)

- The Egyptian government should take into consideration the social and gender perspectives in investments related to agricultural and fishery products, and not to deplete small farmers' resources and tools in the context of "open Market" but protect them from the exploitation of businessmen and capital monopolists.
- Clarifying the standards and mechanisms that will be implemented in case some vulnerable groups are harmed as a result of the implications of the free trade and "open market"
- Providing impartial and just standards to guarantee fair competition and avoid monopoly or injustice.
- Emphasizing land as a resource which should be considered in the context of sustainable management, particularly Egyptian lands which lack legislation and policies on sustainable management of natural resources including land.

References:

- Mats Karlsson. Using Evidence to Bridge untenable Gaps. Annual report for the Mediterranean 2010, page 125.
- Asia ben Salah Alawi, Anna Lindh Foundation in 2009, launching a new path. Annual report for the Mediterranean 2010, page 295.
- paper on funds for Public Interest, the Monitoring European Banks' network.
- Partnership Agreement between Egyptian government and European Commission.
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”.
- The Egyptian Strategic Report 2007-2013. EU Commission.
- Sally Isaac, European Parliament and the Arab Revolutions: From weak response to changing Neighborhood Policy”. May 2012.
- زابينه ريبيير غر، محمد المزياي، مشاريع ألمانية لدعم الديمقراطية في شمال أفريقيا، على الرابط <http://www.dw.de/dw/article/0,,15793584,00.html>، التالي،
- Dimitrios Triantaphyllou, East Euro Mediterranean partnership and the Black Sea initiative. Mediterranean Annual Book 2010 .
- Official Gazette 18/04/2002.
- Official Gazette, issue no. 47, 30/11/2003.
- - Resolution 2010/ 2203(INI) on future European international investment policy (April 2011).

Civil and Political Rights in Egypt
During the transition period

Introduction:

Egyptians chanted in Tahrir in January 2011; “Bread, Freedom, Social Justice, Human Dignity” “Change, Freedom, Human Dignity”. These chants expressed precisely Egyptians’ needs and their persistence to get their right to change an oppressive political regime that ruled them for over than 60 years, particularly the last 30 years during Mubarak regime during which the oppression escalated, and express the demand for freedom and human dignity.

The regime which its successive governments were reduced to the ministry of interior, itself reduced to the state security apparatus, reminds us with Ceausescu's regime in Romania. The revolution was a necessity, so that the biggest Arab country returns to its natural path amongst developing countries looking forward to democracy and social justice.

This section of the report is divided to:

Part one: general background on the political and legal status that paved the way for Egyptians demonstrations and through which the revolution began.

Part two: civil and political freedoms and the legal structure during the transition period, through monitoring and documenting civil society during this period.

Part three: conclusion and recommendations.

Part Four: A Summary

Part one: General background

Political and legal situation prior to the revolution

The state of anger that took hold of the Egyptian streets during the parliamentary elections (November and December 2010), can't be reduced by the monopoly of the National Democratic Party (NDP) of the majority of the parliamentary seats, in an elections that most of the opposition parties rejected its results. On the contrary, it should be taken into consideration the social and political uprisings that spread out since 2004, since the emergence of *Kefaya* movement "the Egyptian movement for change", and the beginning of a broad movement calling for political reforms. *Kefaya* expanded through the different social movements; which included hundreds of judges protesting against the blatant interference in the judiciary, who were known as the "Independence current"; and the spreading movements for change among students. By 2007 the working class took the lead of protests. At the time Egypt witnessed a huge wave of workers strikes and sit ins that were the first of its kind since mid eighties. This was followed by the establishment of the "6th of April youth Movement" in 2008. 6th of April marked the beginning of the workers strike in *Al Mahalla* city that turned into a popular uprising that swept the whole city, and was repressed violently with excessive use of power and wide ranging arrests.

During the time, Egyptian youth began to use the internet widely, through blogs and face book, for advocacy and mobilization for the civil strike on the 6th of April and received tremendous response.. Photos and videos were used widely to expose the violations of Mubarak regime, particularly torture. One famous incident was that of a police officer "*Islam Nabieh*", torturing a microbus driver "*Emad El Kbier*", and rapping him with a wooden stick. The police filmed the incident by mobile phone camera and distributed it to humiliate the driver. However, bloggers, civil society institutions in the field of human rights and independent press managed to make a lawsuit and the officer was imprisoned for three years.

Khaled Saeed case represents an important step in facing up to systematic torture. *Khaled* was assaulted by the police while in an internet cafe till death. The police tried to portrait him as a drug addict, but millions of Egyptians rejected the story, particularly after publishing his photos showing his distorted face after the beatings.

Such incidents exposed the systematic torture the human rights NGOs were documenting in their reports, leading to igniting anger of the both Egyptian people and Egyptian government. Egyptians felt that corruption, impoverishment, election forgery, interference in the judiciary are very much linked to torture state security practices against political opponents and the poor. And the government became fed up with human rights organizations exposing its crimes, and threatening its image abroad; and the youth using the internet to enhance freedom of expression and escalating criticism at home and abroad.

The parliamentary elections 2010 were conducted in an environment that undermined the principle of equal opportunity amongst candidates and allowed the administrative and security bodies of the executive power to interfere in running the elections. The constitutional amendments had put an end to the Judicial supervision and replaced it with a high commission with limited powers allowing the executive power to interfere in its composition according to law 18/2007. Furthermore, the ministry of interior, as the representative of the administration, reserved some powers in running the election process, e.g. voters' restoration, supervision of the stage of nominations, and providing candidates with certificates emphasizing their categories (farmer/ worker) according to law 38/1972 on the Parliament. Ministry of interior played a big role in reallocation of election districts according to law 68/2010, amending law 206/1990 concerning specifying Parliament's electoral constituencies, and resolution 1340/2010 with regards to amending resolution 293/1984 on procedures regulating opening the door for nomination and the election day.

In addition, monitoring of elections or by International agencies or “serious” National human rights NGOs was refused. This meant absence of any serious opposition in the /December 2010 Parliament be it the Islamist trend represented mainly through Muslim Brotherhood, or the leftist or nationalistic opposition despite their limited influence.

But 2010 ended with another provoking incident, the explosion of the *Seddikin* Church in Alexandria, with a death toll of 20 Christian citizens. Egyptians were not only angry but were suspecting the involvement of security bodies in that terrorist operation,

Such sever violations which the ministry of interior was often responsible for, made the call for demonstration on the National Police day widely accepted. The uprising against the ministry of interior turned into a revolution against the whole police state.

Part two: The Freedom of Expression, Belief, Organization, Information Circulation, the role of Media, Legislation during the Transitional stage through the documentation of the Civil Society

Within less than 36 hours of Mubark's stepping down, the Supreme Counsel of Armed Forces (SCAF) issued a constitutional declaration on 13th February 2011. Main points of the constitutional declaration were:

1. Disabling the provisions of the Constitution
2. SCAF will, temporarily, run the country for 6 months or to the finalization of the Parliamentarian, Shura Council and presidential elections
3. SCAF president will be its representative before all actors both at home and abroad
4. Dissolution of the Parliament and Shura Council
5. During the transition period, SCAF issues necessary decrees
6. Establishing a committee to amend some articles of the constitution that would be voted by the people through a referendum
7. The Cabinet headed by Ahmed *Shafiq* continues its work until a new government is formed
8. Elections of the Parliamentarian, Shura Council and Presidency.
9. The State is committed to all international documents and agreements to which the state is party.

The constitutional declaration was followed by some decrees, laws, and around 94 messages published on SCAF's face book page. In addition there were other constitutional declarations, regardless of its constitutionality, as SCAF added new articles after the referendum of March 2011.

SCAF played a strong role and put pressure to pass the constitutional declaration, and urged the Egyptian people to agree to have elections before the Constitution. It was clear that SCAF was in agreement with the Islamic trends to restraint Egyptians who continued demonstrations and strikes to fulfil their revolution. This lead to sharp decline with regards to public freedoms and human rights during the confrontations between SCAF and police on one side and sectors of Egyptians,

particularly youth on the other side. The Islamic groups kept passive neutrality. This decline was reflected in many laws and practices that took place in 2011;

First: Freedom of opinion and expression and right to peaceful demonstration

Legal Status of Freedom of expression

Successive Egyptian constitutions were keen on emphasizing the principles of freedom of opinion and expression. Article 47In the 1971 Constitution, stipulates that "freedom of opinion is guaranteed, and every person has the right to express his opinion and to publicize through speech, writings, photography or any other means of expression within the law. Self criticism and constructive criticism is necessary to ensure the safety of the national structure"

Article (19) of the International Covenant on Civil and Political Rights, which Egypt has ratified and was considered as a domestic law in 1981, states that:

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression. This right includes freedom to seek various forms of information and ideas, and receive and impart to others, regardless of frontiers, whether in writing, in print, in artistic form, or any other medium of his choice.
3. The exercise of the rights set forth in paragraph (2) of this article entails specific duties and responsibilities. It may therefore be subject to certain restrictions, provided that it is necessary and be specified by the law.
 - a. In respect of the rights or reputations of others
 - b. For the protection of national security or public order, or of public health or public morals.

The Constitutional Declaration in March 2011, included two articles supporting freedom of opinion and expression. Article 12 states that "The State guarantees freedom of belief and the free practice of religious rites. Freedom of opinion is guaranteed. Every individual has the right to express his opinion and to disseminate it verbally, in writing, illustration or by any other means within the limits of the law. Self-criticism and constructive criticism is a guarantee for the safety of the national structure. Article 113 states that "Freedom of the press, printing, publication and mass media shall be guaranteed. Censorship on newspapers is forbidden. Warning, suspension or abolition of newspapers by administrative means are prohibited. However, in case of declared state of emergency or in time of war, limited censorship may be imposed on newspapers, publications and mass media in matters related to public safety or for the purposes of national security in accordance with the law"

Despite these two articles, there were violations of freedom of expression after the January 25th revolution;

On March 13, *Nassary Hassan*, an Egyptian citizen resident in Germany, hold a banner reading "the people want clean Hurgada" in front of the City Council, contesting the piles of garbage. The military police ordered him to leave; when he refused they beat him till he fell unconscious and was transferred to the hospital. After he regained consciousness, *Hassan* asked for a report of his injuries but the doctor refused. *Hassan* managed to get the phone number of the Military Ruler, informed him of happened. The Military Ruler asked him to come to his office at the City council. On his arrival, *Hassan* found a large number of police waiting for him and was beaten again. Moreover, transferred to a military prosecutor where he was maltreated, and accused of insulting the Military Forces, and assaulting military personnel. He was sent to military court in *Qena*, and

was sentenced (24th of March) to 3 years imprisonment and 5000 LE fine. In May *Hassan* appealed. The military court reviewed his case in November 30th, and sentenced him to 6 month imprisonment and 5000 LE fine. By that time, *Hassan* has already spent 7 months in prison, so he was set free.

on March 23 military police Forces forcefully broke up the sit in of students of Media Faculty, Cairo university, thus violating their right to peaceful assembly. Students were beaten using electric sticks. Some students had to be transferred to the university hospitals. Some students and Faculty members were detained. This incident was the first of its kind.

On 31 May 2011, five journalists and media professionals had to go through military investigations because of their expressed opinions. *Hossam Hamalawy*, blogger and photojournalist, and *Reem Maeid*, presenter of a TV talk show (*Baladna bil Masry*), were summoned because of the statements of Hamalawy in the 26 of May talk show, where he called for running an investigation with officials responsible for the abuses committed by military police against citizens. However, both of Hamalawy and Majid were released after the investigations.

On June 18, 2011, both Rasha Azab (journalist) and Adel Hammouda (chief editor) of “Al Fagr” newspaper were summoned to the military prosecution because of an article Rasha wrote. Both were released after the investigations.

On Sunday, August 13th, activist Asmaa Mahfouz was summoned to the military prosecution because of her comments on Twitter and Face book, and her phone intervention in one of the religious space channels. The prosecutor demanded an exorbitant bail of 20000 LE (3400 US Dollars) to release her. After a wide media campaign SCAF announced that it will abdicate the case.

In October blogger Alaa Abdel Fattah was summoned to military prosecution regarding events Maspero case. Alaa presented himself to the military prosecutor on October 30th.. However, he refused to go through military legal system because it is an exceptional system that violates his right to fair trial and violates the Egyptian constitution; and the fact that SCAF was involved in the case because of the violence practiced by the military troops against Egyptian citizens, and it couldn't be both a defendant and judge at the same time. Alaa was imprisoned for 15 days pending investigations. This was repeated many times since Alaa sustained his refusal to be tried before military courts. After a wide campaign by civil society activists at national and international levels, Alaa was transferred to State security court, also an exceptional court based on Emergency law. Once again Alaa's imprisonment was renewed on the 13th of December for another 15days. He was released pending the case.

On Sunday 9th of October, known as the “Maspero confrontation”, an Egyptian TV broadcaster urged Muslim citizens and called upon them to stand up to Christians. The Army soldiers stormed 25th TV channel while it was airing the *Maspero* Confrontations, between the Egyptian Army and Coptic demonstrators where tens of protestors were killed. The Army run a thorough inspection, broke all glass doors and windows, conducted a personal search of all the channel staff members and finally blocked the channel without providing any justification. In the same day, the Army soldiers stormed also *Al -Horra* TV channel and terrorized its staff claiming that they were searching for “unknown” persons who enticed riots nearby Maspero.

On the 23rd of December 2011, tow citizens of Mubark's' supporters, detained another citizen, *Gaber El Saied Gaber*, and to handed him to the police accusing him of distributing a statement criticizing SCAF. The Attorney General turned the citizen to a hasty military trial who, within three days, sentenced him to one year imprisonment and a fine of 200 LE, and one thousand LE to stop enforcing the sentence till the appeal. The Lawyers of the Arab Network for Human Rights Information appealed on the basis that that distribution of statements is part of freedom of expression of opinion; the managed to prove their defendant innocent on February 2012

Second: Freedom of circulation of information

Freedom of circulation of information in the constitution and law

The 1971 Constitution didn't stipulate the freedom of information except article 210 regarding the journalists' freedom to get news according to the provisions of the law. Article 106 stated that the Parliament sessions are public. Closed parliamentary sessions require a request by the president of the republic, or by the president of the Parliament or 20 Mps at least. It means that publicity is the rule not confidentiality, as is the case in reality. The constitution stipulated in article 169, that court sessions are public unless the court decides otherwise in interest of public order or morality. The verdict, however, should be in a public session in all cases.

Generally, we should distinguish between the practical implementation of the law and its text. Egyptian laws allow for a very limited and indirect provision of freedom of information circulation for average citizen for the sake of "national security".

On the other hand, the constitutional amendments on March 2007 brought some financial transparency. Article 115 regarding the timing and manner of presenting the state's public budget was amended to allow the Parliament the right to adjust it without prior agreement of the government, and increased the discussion period through requiring the government to provide the budget 3 months before its discussion instead of two months previously.

After the January 25th revolution and the beginning of the transitory period, the Parliament didn't take any action or promulgate legislations to guarantee this right. The current situation is more complex and might lead later to problems with regards to investigating files linked to the transitional period, e.g. fact finding, searching state archives to reach for the truth and achieve justice for the transition period.

Examples of the risk of non-codification of the right to accessing and circulation of information during the transition period include:

Many trials and court cases were surrounded by secrecy and ambiguity, e.g. "trials of the previous regime symbols and the secrecy surrounding it. Judicial decisions verdicts reflected the scarcity of information available to the judiciary and public opinion which jeopardised citizens' trust of the judiciary, and allowed for its politicization, and strengthened the belief that the public prosecution is still affiliated to the previous regime and might be implicated in some of these crimes.

The Port-Saied Stadium events lead to the killings of more than 70 fans. At that time, a fact finding committee was established from Parliament members, yet they could not access the information, an entrenched culture because of the abuse of the term "national Security" by the previous regime. A slippery term that makes the citizen unable to differentiate between what is considered "national security" and what is not, e.g. covering up for the offenders; which hindered taking the necessary steps and trial of those responsible.

Rumour before publicizing the official results of the final stage of presidential elections. Supporters of both candidates (*Mohamed Morsi* and *Ahmed Shafik*) went to the streets celebrating the winning of their candidate. A state of confusion prevailed in the Egyptian streets, with a state of preparedness for the worse if the official results came contrary to each party's expectations. Although Dr. *Morsi* won the elections, there are still rumours confirming that Mr *Shafik* was the winner, and that SCAF intentionally changed results for fearing the violence that could be created by the Islamic trend supporters if they announce *Shafik* as the winner.

Third: The Right to Knowledge, Culture and the Role of Mass Media

One of the rights that the state controls is the right to knowledge and culture in Egypt. It tries to control knowledge and culture means through its ministries of Mass Media, Education and Cultural Affairs, in addition to supervisory bodies that heavily censor creative and artistic works. In spite of the fact, that the successive constitutions of Egypt have decreed the necessity of granting freedom to scientific research and literary creativity, however lack of details that describe means of attaining freedom and independence of knowledge and culture lead the legislator to promulgate laws and rules to censor creative works and information that influence public opinion. The Egyptian citizen, therefore, cannot have access to information except what the government declares or through permissible creative works of art. Independent mass media that attempt to provide accessible information are subjected to judicial investigations because they do not have evidence to authenticate disseminated information.

The Egyptian laws are free of articles that protect against the manipulation of the rights to litigate because of the so called the “Religious Hesba Act” that remained like a sword directed towards the creative and the intellectuals. This law either drags them to crime courts or to confiscation of their artistic works.

The amount of permissible information in Egypt is extremely weak as the government intentionally hides information related to the work of the ministries and agencies. It also promulgates laws and rules that systematize deprivation of rights to knowledge.

In spite of all this, modern media and facebook played vital roles in providing enough space for culture and accessibility of information as these cannot be censored by the government. Information, in such cases, does not need a license for publication or dissemination. Activists, bloggers or even common users who have access to information or a research are capable of publishing or widely circulating information in a short period of time. Even if these activists or bloggers get exposed to legal penalties, nothing could stop information from circulation.

Legal conditions of the Rights to Knowledge and Culture:

Article (15) of the International Covenant on Economic, Social and Cultural Rights that was ratified by Egypt and then integrated into its internal laws stipulates the following:

- 1- The states parties to the present Covenant should recognize the right of every individual to the following:
 - a) To participate in cultural life
 - b) To enjoy the advantages of scientific progression and its applications
 - c) To benefit from the protection of materialistic and moral advantages of scientific or artistic productions. Citizens should not be banished or prohibited from returning to the country. Extradition of political refugees is prohibited.
- 2- The states parties of this convent should consider appropriate measures to guarantee freedom of practice of this right. These measures should include maintaining the development and spreading of sciences and cultural awareness aspects.
- 3- The states parties should be committed to respect the freedom of scientific research and creativity activities.
- 4- The states parties should stipulate the advantages of development and support of communication and international cooperation in the fields of sciences and culture.

Successive constitutions were confined to weak articles that guarantee freedom of culture and knowledge. Lack of details that describe ways to achieve this freedom jeopardizes means of attaining knowledge and culture.

Article (49) in the 1971 constitution stipulates that:

The state is committed to freedom of scientific research, literary, cultural and artistic creativity, in addition to needed means to promote fulfilment.

However, the constitutional declaration of the SCAF, 2011 that was ruling during the transitional period has overlooked freedom of creativity, knowledge and culture and could only allow freedom of expression and circulation of information in article (13).

Egyptian laws during the transitional period put restrictions on rights to knowledge and culture in many articles, such as:

Article (2) in Law 121/1975 that should protect official documents of the state and devise regulations for publication of these documents stipulates:

“Officials who come across any published, unpublished documents or photocopies of documents referred to in article (1) are prohibited from publishing them or part of their content unless the concerned minister obtains a decree from the cabinet of ministers.

Article (4) in Law 82/1982, which is concerned with statistics and enumeration, stipulates:

“Shall be sentenced to prison for not less than 6 months and not more than 6 months and the payment of a fine of not less than 100 LE and not more than 500 LE, or one of the two penalties, anyone who:

- 1- Breach or intend to breach the confidentiality of statistical data or discloses any of the individual statements or any of the confidential data of the industry/ trade or any other statistical statements.
- 2- Obtains or intend to obtain by fraud, threats or simulation, confidential information or data about statistics and enumeration
- 3- Deliberately delays or causes delay of any of the statistical and enumeration operations that the technical body determines
- 4- Deliberately publishes incorrect statistics or results of a referendum
- 5- Deliberately refrain from conveying required data or conveying incorrect data

If data statements are not delivered in a week after the due date, for no valid reason, the person might be charged of ‘not working’. Law 10/2003 that is concerned with promulgation of organizing communication compels institutions to obtain licenses in order to get the right to satellite frequency or before starting a communication network. The objective of this law is to provide the state with full control over local transmission and broadcasting networks. The state does not allow local transmission and broadcasting and does not give licenses in order to control means of knowledge and culture.

Article (1) of Law 340/1955 that organizes the supervision on creative and artistic productions stipulates that Audio visual works whether live performances or recorded or taped works on CDs or any other technical media are censored in order to protect public values, morals and the supreme interests of the state.

Article (2) stipulates that, “The following audio visual works are not allowed without a licence from the Ministry of Cultural Affairs:

First: Photography, recordings or transmission for public utilization

Second: Performing, displaying or broadcasting in public places.

The conditions and terms of public places referred to are determined in advance by a decree from the prime minister.

Third: Distributing or renting or circulating, selling or launching for sale.

Examples of Restrictions on the rights to knowledge, creativity and culture during the transitional period:

The Faculty of Pharmacy- Cairo University banned the display of the film. “A Separation” on March 8th, 2012 without declared reasons in spite of the fact that the Faculty had allowed its display earlier. The Faculty yielded to objections of extremists inside the University campus. This group of extremists explained that the film advocates Islamic Shia’a thoughts, supports the system of Bashar El Assad against Syria and promotes Secular ideas!!

On April 24th, the Court of Misdemeanors in Al Haram district passed a sentence in absentia of a 3 month imprisonment on the artist Adel Imam who was accused by a lawyer in a “Hesba” legal case. The artist was pronounced guilty because of his insults of the Islamic religion in some of his movies like: “Terrorism and Khabab”, “Birds of the Dark”, “Morgan Ahmed Morgan”. The artist was condemned because of his use of satire to attack Islamists and Islam.

By the beginning of 2012, the artist Adel Imam was sentenced to prison for 3 months and payment of temporary civil atonement of 51 LE. The same court affirmed the sentence in absentia on the 24th of April. In September, 2012, the case of appeal cancelled the previous sentence and the artist was declared innocent.

On April 12th, some of the “Hesba” people submitted a complaint (number 660) to the Attorney General to accuse the writer Karam Saber of including expressions that attack religious beliefs in his collection of short stories “Where is God” that was published in November, 2010. The writer was condemned guilty by a sentence in absentia to prison for 5 years.

The Role of Mass Media:

Independent and unofficial Mass media in particular is one of the most important sources of raising awareness and spreading culture as it is capable of making specific decisions that influence the culture and awareness of the Egyptian public opinion. Thus sports and religion channels left their specialized domain during the transitional period in order to take specific political stands that aim at raising the awareness of the Egyptian people and transmission of events. For example one of the religious channels, “Al Nas wa Al Hafez” adopted the political stand of the religious parties and therefore it was not objective in presenting information. These channels tried hard to defame movements on the streets that were against the political religious sects by simulating that these movements are considered a divergence from religious norms. Moreover, during the second stage of the presidential electoral process, these channels promoted the campaign of Mohamed Morsi as he was considered the nominee of Islam who is supported by God.

The goals of sports channels, namely “Modern Sports” and “Dream”, were to influence the culture and awareness of the Egyptians by talking about political issues and adopting political stands that support SCAF that was ruling at that time.

Independent channels were more objective and capable of spreading knowledge to the public. The various political directives did not affect their editorial policy. However, the interest of these channels in cultural and creative works of the “underground” groups that work away from lights and who find difficulty in displaying/ performing their works because of the restrictions that the state puts on them. Still, these channels show interest in spreading information about political activities and many were exposed to difficulties because they presented what the authorities wanted to hide from the public.

The most popular Independent newspapers were capable of presenting different thoughts and opinions and publishing all information reached. However, they suffered from the absence of legislations that organize the rights to circulation of information that would have helped them to obtain official documents and information. Thus, we find that they refer to sources of information as “an informed source” without mentioning names or specializations. The recipient therefore gets confused because of contradictory information received from different sources.

Mass media owned by the state remained to adhere to the authorities, adopting their stands and displaying their cultural and creative works that support the dependent rather than critical stands. Any movement that aimed at liberating the state-owned media was exposed to administrative forfeit.

New net media remained as the most capable of working independently. Facebook, twitter and blogs were used to display various cultural and creative works of the intellectuals and the creative whose works were not blessed by the authorities. The great influence of this type of media had made political parties, security agencies and political movements create their own electronic sites to attain supportive public opinion on the net.

The ministry of education supported the authorities through curricula developed by specialists or teachers in classrooms or those who consciously do not want to keep educational curricula and exams away from political struggles. For example, there were recurrent questions in exams that ask students to take a political stand to support authorities like the question that appeared on the exam paper of the third preparatory grade in 2012. The question that supported military forces stated that “The army forces protected the gains of the revolution and the development of Egypt”. Another question was “Write a message to thank military forces on their efforts for protecting the Egyptian revolution.”

Examples of violations that mass media professionals and journalists were exposed to because they published information that the state wanted to hide:

Disseminating information about the Marshal attestation in Mubarek’s case was prohibited. In conjunction, on September 11th, 2011, the security forces attacked the office of Al Gezira in Egypt, all transmission devices were confiscated, and the technical engineer was arrested because as claimed, the channel is working without obtaining a license.

On October 9th during the so called “Maspero battle”, military soldiers attacked many channels among which are the “Hura- channel 25”, in order to prevent them from transmission of violence against Copts during their demonstrations in front of the Maspero building.

Transmission devices and cameras of “ON TV channel” were confiscated and “CBC” transmission of violent events was forestalled on Friday, December 16th in Tahrir square during the events of Ministries’ Council.

Many Media professionals were exposed to violations by administrative bodies that put pressure to impose self –censorship on these media.

On July, 24th, 2011, the “Dream” channel decided to dismiss the announcer Dina Abdel Rahman from her job because she discussed the issue of the assaults on protestors, in addition to her discussion of an article written by Naglaa el Bedeir, a critic of SCAF.

On October, 21st the announcer Yousri Fouda issued a report in which he declared that he and his channel “ON TV” were exposed to direct and indirect pressure to impose self –censorship. Fouda added that he believes that this is not a free, convenient atmosphere for media work. Therefore he decided to stop his program for an indefinite period of time.

Many media professionals were exposed to inconveniences by state-owned media officials because they were asking for liberation of media:

On Sunday February 19th, the administration of the Egyptian TV decided to refer the director “Ihab El Margawy”, for administrative investigation because he put the sign “Freedom for Nile News” in the background during the live transmission of his program “The Scene”. He was therefore suspended from work for two weeks.

editor of the On Monday, February 20th, the legal office of the TV and Radio Union summoned Abdel Latif Abo Hemeila, Ali Hassanein Abo Hemeila, Khalid El Ashry the directors in Cairo channel and Sayed Gomaa the program for investigation because of their participation in a demonstration organized by media officials on Monday, 13/2 inside the building of Maspero to ask for reformation of administrative, financial and media policies of different TV sectors.

Fourth: the right to establish Associations and Trade Unions

Legal Protection for Establishing Associations

Article 55 of the Egyptian 1971 Constitution addressed the right to organizing as follows:

“Citizens have the right to establish Associations as indicated by the law. It is prohibited to establish associations whose activities are hostile to social system, secretive, or of a military nature”

This article is associated with article 56, para 1, which include “establishment of syndicates and unions on a democratic basis is a right guaranteed by law, and shall be deemed legal personality”

Although article 55 guarantees the right to organizing and refers the task of organizing this right to the legislator, the latter cannot prohibit any activities that were not included in the constitutional text, i.e.

- 1- Organizations that have hostile activities to the community system.
- 2- Organizations that practice "secretive activities"
- 3- Organizations that practice activities of military characteristics

With regards to the role of legislator in regulating public rights and freedoms, the High Constitutional Court stated: “the subject of organizing rights albeit within the scope of legislators’ discretion, practiced objectively and seeking public interest consideration, yet such regulation would be against the constitutional provisions and incompatible to its purpose if it nullifies or limits such rights. Invading the confirming the essence of the rights and guaranteeing its effectiveness is *beyond the legislator’s discretionary powers*”⁸³

⁸³ High Constitutional Court's decision, case 13/34 Judicial year, constitutional. 20/06/1994

Thus the constitutional court confirms that the legislator, in regulating rights and public freedoms, cannot decrease, limit, or restrict them with any restriction or limitations that is not mentioned in the constitution. Referral to the law for regulating any of the rights or public freedoms should be in accordance with the limits stipulated in the constitution.

This means that the right to organizing is one of the rights and public freedoms guaranteed by the constitution, and its establishment and continuation is governed by article 55, and finally that the legislator, in regulating freedom to organizing, can't limit it as it is considered one of the public freedoms.

Despite the explicit constitutional text on the right to organizing, and the above mentioned Constitutional Court position; yet many of the aspects related to registration, dissolution, roles and ways of activities of associations were referred to law. Laws organizing the conduct of associations were loaded with many limitations. The last was law 84/2002 which contains many limitations and administrative obstacles; from the phase of establishment and choosing the name and fields of activity, to registrations' procedures and internal charters

Moreover, the political environment for applying the law is hostile to the freedom of organizing. National associations were exposed - during the past years and specifically on the eve of the 25th of January revolution and the rise of contest movements- to a lot of violations, e.g. direct interference of the security bodies; cancelling NGOs' activities, closing down NGOs and preventing activists from travelling abroad. Associations and foundations faced administrative and security hindrances during the establishment phase, where the authorities didn't even abide by the text of law. These included a range of prerequisite data through the 76 articles of the law and 180 articles of its executive charter, i.e. a total of 256 articles control the civil society work in Egypt.

Studying the everyday situation reveals many violations of the vague and slippery articles interpreted according to the wish of those monitoring associations' activities, and consolidating the hegemony of security and administrative authorities over the establishment and activities of associations and forcing themselves through the MOSA employees into the nitty gritty affairs of associations. This had a drastic impact on the activities of many associations ranging from obstructing activities to the actual closure using security forces.

A clear example of the state position towards civil society, even during transition period, is what was known as "the case of civil society funding", and the notorious defamation campaign that began in April 2011 and continued for months. SCAF, political Islamist groups and some judges were involved in the campaign. The case involved storming offices of some national and international human rights organizations, intelligence reports claiming that civil society institutions are threatening "public and national security"; ignoring civil society's own recommendations for reforming the associations' law to allow for freedom of activities, transparency and proper monitoring.

The right to establish trade unions:

Establishment of trade unions in the constitution and international documents

The 1971 constitution did not differentiate between workers' and professional unions (syndicates). Article 56 stipulates: "The establishment of trade unions and federations on a democratic basis is a right guaranteed by law, and shall be deemed legal persons". The law regulates trade unions and federations' participation in implementing social plans and programs, enhancing efficiency of its members and protection of its financial assets. Unions and federations are obligated to make its members accountable with regards to practicing their activities in line with ethical codes, and to protect their legally accredited rights and freedoms."

International conventions also approve such rights.

Article 22 of ICCPR stipulates

- Every individual has the right to freely establish, with others, associations, including the right to establish and joining trade unions to protect his/her interests
- Practicing this right should not be restricted, except by what is stipulated by the law as necessary measures in a democratic community, to protect national security, public safety, public system or the protection of public health, public morals or the protections of others' rights. This article, however, doesn't prevent subjecting military and police forces to legal restrictions in practicing this right.

The ICESCR in article 8 stipulates

- 1- State parties to this covenant are committed to guarantee
 - a) The right of every individual to establish, with others, unions and join the union he/she chooses, without restrictions except for the specific organization's rules, with the intention of promoting and protecting his/her economic and social rights. The practice of this right should not be subjected to any restrictions except for what is stipulated by the law as necessary measures in a democratic community, to protect national security, public system, or the protections of others' rights
 - b) Trade unions have the right to establish federations or national federations and these federations has the right to establish or join international trade unions
 - c) Trade unions have the right to freely practice its activities without restrictions except for what is stipulated by the law as necessary measures in a democratic community, to protect national security, public system, or the protections of others' rights and freedoms
 - d) The right to strike provided that it is practiced in accordance with the law in the specific country
- 2- This article, however, doesn't prevent subjecting military and police forces, or employees of governmental departments to legal restrictions in practicing this right.

Differentiation between Workers' and professional syndicates (trade unions)

Law and jurisprudence are the ones who laid down the seeds of dedifferentiation within trade unions dividing them into workers trade unions and professional syndicates. Accordingly, the professional syndicates became subjects of public law while workers' trade unions are subjects of private law⁸⁴.

⁸⁴ *Elhamy El Mierghany* says, ("after the When trade unions' law was issued, these unions were supposed to operate within one organization. However, the occupation authorities and the emerging capitalism seeking be the continued fragmentation of the labour movement bread continuation of double union. The presence of professionals, particularly those with higher education, would enhance workers' consciousness and united action and joint struggle, to the dissatisfaction of capitalism and colonialism. However, this aberrant situation continued even after the 23 of July revolution and its adoption of social notions. Dr. *Ibrahim el-Ghatrifi* "The Arab Republic of Egypt is the only country where such professional union's structure is present") civilized dialogue - labour and trade union movement). Issue no. 2936. 6.3.2010

The Law:

The Egyptian legislator didn't provide a definition for the professional syndicates, but only defined the specific framework of the workers trade unions in article 8 of the workers trade unions law 35/1976. "The trade unions' objective is to protect the legitimate rights of its members and to defend their interests, and enhance the work's situation and conditions". Thus, we can say that any definition for a trade union organization should include the following elements:

- Established voluntarily, freely and independently without any custody whether from the state or any other groups.
- Belongs to one profession or a group of similar or related professions
- Defends the interests of its members and represents them before the public authorities and other groups
- Uses different methods to achieve its objectives. These could be conflicting as strikes; others could be cooperative as participation in designing social legal and economic plans and policies.
- It has a legal personality, so that it can function freely and independently

Jurisprudence and judiciary:

Jurisprudence defines trade unions as groups on individuals who establish amongst themselves a union on voluntary, and sometimes, mandatory basis to include those working in one profession or specialization. The objective of such union is to safeguard its members' interests⁸⁵

Frequent judicial rulings differentiated between workers' trade unions and professional syndicates. The Supreme constitutional court ruling (case no. 6, judicial year 15 (constitutional), session 15/4/1995) stipulated that "the professional syndicate is basically a subject of public law seeking to regulate the profession's affairs and protect it from intruders, and guaranteeing its members' right to practice the profession responsibly for their own interest".

The Egyptian State Council and the whole administrative judiciary followed the same view. The general Assembly of the divisions of *Fatwa* (formal legal opinion) and legislation departments stated that "reviewing the laws of professional unions shows that, the professional disposition of these organization is not the result of establishing the "union" to defend the rights and interests of members as is the case with workers' unions, but it is legislatively settled that the professional disposition is inferred on such kind of unions issued by a law to regulate, supervise and monitor the practice of a specific professional activity." (Fatwa No. 88/1/56).

Restrictions on professional syndicates:

The first clear presence of the professional syndicates in Egypt dates back to 1886, when lawyers before the mixed courts established their syndicate (official High Decree, December 1887), and the syndicate of lawyers before the national courts (High Decree December 1888), which was crowned finally by the law 26/1912 establishing the Egyptian Lawyers syndicate. In June 1916, came the law 15/1916 establishing syndicate of lawyers before the Shariaa' courts. The syndicate of lawyers before the mixed courts was cancelled in 1949 (Law 51) and they were integrated into the Egyptian lawyers Syndicate. The Shariaa courts were cancelled in 1955.

⁸⁵ Professional Unions between Legal Restrictions And Lobby Groups. Page 6

The second syndicate to be recognized through a specific law was the journalist syndicate established 1941

Teachers established multiple leagues: League for compulsory education teachers 1954, League for *Al Azhar* educators 1941, league for university teachers 1942. The teachers syndicate was established 1954 to include all teachers regardless of their source of education.⁸⁶

Similar to what happened with the accounting and auditing profession; there was first the law 133/1951 regulating the profession, then came law 349/1955 establishing the Accountants and Auditors syndicate. Earlier, the traders established "the trade club" as a social club under the Ministry of Social Affairs. After establishing the syndicate, the club continued its activities in the same building; however, both the club and the syndicate had separate subscriptions and separate magazine. The syndicate for applied professions was established in 1969, its specific law 67 was issued in 1974.⁸⁷ Since then, many professional unions were established and are currently, there are 24 professional syndicates.

As public institutions authorized by the state to regulate different profession, professional syndicates' membership became mandatory. The law defines each professional union's membership rules, without which one can't practice his/her profession, despite the fact in many counties scientific associations and relevant ministries, not professional unions, are the ones who regulate the profession conduct and provide licenses.

Accordingly, the Egyptian laws restricted professional unions and suffered a legislative gap with regards to how to establish professional unions and union's plurality, and prohibited practicing without license from the union thus infringing on the right to work for professionals. Restrictions on running unions: activities, fund raising, elections, etc paved the way for state control. If some unionists challenge the system, then the state can dissolve the unions or impose sequestration.

Workers unions and unionist freedoms:

Union's freedoms in Egypt had gone through many phases of ups and downs. In most of the times Egyptian workers were denied the right to organize or establish their unions freely and independently. However, in all the times, workers' struggles did not stop.

Early 1940s, law 85/1942 allowed explicitly and for the first time workers' unions. Yet, it was a double edged law, since it prohibited the establishment of General industrial unions, or general unions' federation. Thus, most unions represented workers in one region only. The law demanded that all unions should be registered in the Ministry of Social Affairs. The law granted ample powers to the state in regulating unions, but in the same time, it allowed the workers unions' movement to expand. By the year 1944 there were more than 350 unions with 120000 members.

In 1951, communists, liberals (*Wafdists*) and independent unions leaders formed a preparatory committee to establish the Federation of Trade Unions of Egypt. 104 unions representing 650000 workers joined to its founding council. However, the latter didn't convene because of declaring martial laws after the famous Cairo fire. The Council was banned and many political and workers activist were imprisoned.

Workers supported the July revolution which declared its commitments to eliminating social injustice and fulfilling social justice. However, the Free Officers, were not ready at the time to accept an independent, strong and militant workers movement. Few days after the revolution they executed *Mustafa Khamis* and *Mohamed Al Bqari*, two leaders, who lead a strike of 9000 workers

⁸⁶ *Mahmoud Mortada*, Freedom and pluralism in the Egyptian professional unions. background paper

⁸⁷ Professional Unions between Legal Restrictions And Lobby Groups. Page 14

in the Egypt Spinning and Weaving Company (*Kafr El Dawar*) demanding a free elected union instead of the pro management union established 1943. The Army forcibly ended the strike and tried workers leaders before military court, who sentenced 11 workers to imprisonment and executed the two leaders.

During the tripartite aggression on Egypt, the Egyptian workers called upon International Federation of Arab workers, based in Cairo, to halt the shipping of oil to Britain. In recognition of their role, the Egyptian government allowed the establishment of the Egyptian workers federation (30/1/1957). However, it was the government who chose the members of its administrative council.

The government kept appointing the board members of the Federation. Even after the restructuring and renaming the federation, General Federation of Egyptian Workers Trade Unions (GFEWTU) in 1961, The government continued appointing its leaders. Ironically, during the period 1962 – 1986, the chair person of GFEWTU was the Minister of Labor. Even, after ending this situation in 1986, the GFEWTU remained as tool of the state to mobilize workers to support the state's policies and the objectives of the ruling regime.

Within this historical context, law 35/1976 was promulgated and entrenched the state's control over GFEWTU. The law emphasized:

- the hierarchical (not federation) structure,
- total prohibition of unionist's plurality as it prevented the existence of more than general trade union for the same industry, i.e. preventing workers totally from decision making regarding establishing a trade union in the same industry or sector, or establishing a general trade union or federation
- Made the establishing of a trade union pending on agreement of the Ministry of Labor as the authority for approving/disapproving new unions.

Consequently, Egypt witnessed a long period of the absence of true unions that defend workers' interests and rights. In this context, the shortcomings of the law extended to impact the formation and functioning of the GFEWTU's administrative board residing all powers and authorities. Permit to strike was in the hand of general trade unions not the factory union. This entrenched the marginalization of the general assemblies and executive offices of the factory unions for the sake of the boards of general trade unions and GFEWTU. Membership (mandatory by mere joining of the work regardless of the worker's opinion) was a membership in the general union and not the basic union committee. Membership subscriptions were automatically deducted from workers' salaries.

All the issues decreed by the law 35/1976 away the workers dream of the right to independent unions until the trade unions' elections 2006, which witnessed escalating waves of anger among worker in different work places in different sectors. May be the triggering factor was the Ministerial decrees regulating the selection process. Wide circles of worker were denied access to membership certification (a prerequisite for running for elections), another form of absence of unions' freedoms. Workers challenged these decrees and proved it illegal as it was violating the law itself.

The trade unions elections 2006-2011 sparked an escalating wave of anger in different work places and in different sectors, leading to a wide wave of strikes. It began in Egyptian Company for Spinning and Weaving, *Mahal El Kobra*, one month after the announcement of the elections' results tainted with clear fraud and interference. Other spinning and weaving companies followed. The important thing is that all these strikes demanded a list of social and economic rights. For first time, demands of the dissolution of the fraud union committees came at the top. "We want a free trade union". Workers continued their struggles to bring down the fraud unions through different mechanisms and legal ways. Once again the government did not allow workers to practice their

legitimate right to withdraw their confidence from the trade unions' committees, testifying to the to the absence of the minimum union freedoms, allowed even by the "defective" law 35.

Despite all these efforts and judicial rulings, workers struggle over many years didn't succeed in establishing their free trade unions. Under the blessing of the government and legislations allowing businessmen the right to throw out, displace, oppress and abuse workers who dare to think of establishing in their work place; obligatory membership continued in the public sector and the business sector. As for the private sector, trade unions were completely absent.

This situation continued till 21/4/2009, when employees in the estate tax authority had their general assembly and established their own trade union, and deposited its papers in the Ministry of Labor (MOL). They exploited the visit of an ILO delegation to embarrass the MOL. The ILO delegation was following up on compliance of the Egyptian government with its commitments to implement international treaties which Egypt ratified, particularly the work agreements 87 and 89. ILO had already place Egypt on the list of individual countries that doesn't comply with its international commitments. The ILO delegation mission was to help the Egyptian government to reform its legislations to comply with the specific international treaties subject of concern.

In 2010, two more independent trade unions were established, the Pensioners' trade union and the health technicians' trade union. However, the MOL didn't acknowledge these unions and the estate tax trade union was kept under siege until the 25th of January revolution under which the Declaration of Trade Unions' Freedoms was issued on 12 March 2011 during the visit of Juan Somavia general director of ILO. Now almost 800 independent trade unions have been established.

There still a great mix between the Declaration of Trade Unions' Freedoms, giving workers the right to establish freely their trade unions, and some of the practices based on the law 35/1976. The obligatory membership in the business and public sectors is still continuing. The legality of independent trade unions is base on the Declaration of Trade Unions' Freedoms, supported and acknowledged by ILO, without a national legislation that legitimizes that right.

Persistent trials to stop promulgation of the Trade Unions' Freedoms law agreed upon by many unionist trends are still continuing. SCAF refused to ratify it even after two months of negotiations among different political and unionists powers through a genuine community dialogue. (attended by independent trade unions, civil society organizations, the general workers federation, representatives of Muslim Brothers and the left). After, parliamentary elections, the majority of the parliament (MB and Salafists) adopted another law, different than what they had approved during the dialogue sessions sponsored by the Ministry of Labor and Migration.

The Trade Unions' Freedoms law, which was buried in the legislative committee of parliament before its dissolution, included many articles providing workers with the right to establish their trade unions freely and without interference, and enhance the authority of the general assembly in decision making and running of the Trade union. The proposed law is compliant with international agreements ratified by Egypt, particularly 78 and 98, IDHR, both International covenants (ICCPR & ICESCR) and other International treaties, documents and norms.

After the Declaration of Trade Unions' Freedoms, Egypt was removed from the individual list, but that didn't translate practically to consolidate trade unions' freedoms in Egypt.

In any case, the context in Egypt is ambiguous and involves many contradictions with regards to trade unions freedoms. Despite the existence of hundreds of independent unions, the law 35 restricting the establishment of trade unions and federations still exists. The same goes for the General Federation of Egyptian Trade Unions (GFETU), which still exists despite judicial rulings demanding its dissolution. These rulings have been circumvented; a part of GFETU was dissolved, but another part has been kept in a strange discrepancy. Overall, the issuance of a new law on trade

unions freedoms which reflects the aspirations of workers and is consistent with international conventions and norms, represents the biggest and most important aspect in the dilemma of trade union freedoms in Egypt.

Fifth: the right to election and participation in public life

Parliamentary elections after the revolution: legal and political context

After the revolution there were a number of elections; the Constitutional Declaration Referendum, Parliamentary, Shura Council and Presidential elections. These elections were regulated through a number of different legal sources, which included the Constitutional Declaration (30/3/ 2011), the law on regulating Presidential elections (and its amendments), Shura council law (and its amendments), decisions of the elections' Supreme Committee, and Committee of Presidential elections; in addition to International treaties ratified by Egypt.

Unfortunately, multiplicity of legislations didn't facilitate the elections process. On the contrary, it led to contradictions through applying its different articles. Laws regulating elections in Egypt have its internal inconsistency, and in its entirety make Egyptian elections far from international standards regarding free and fair elections, and impose illogical restrictions limiting citizens' ability to practice their rights to nomination and voting⁸⁸. Human rights NGOs and political powers demanded a unified legislation for general elections to guarantee elections' fairness. Egyptian voters see these legislations as belonging to the era before the revolution and were meant to permit administrative and security authorities to forge elections. In addition the society did not participate in most of these amendments. Before the Parliament all laws were issued abruptly by the SCAF without any kind of consultation. Despite the many voice calling for reforming election's laws, these reforms were disappointing; late law reforms jeopardise the election process and cast a condition of instability and lack of credibility and transparency, and open the door for more violations and irregularities.

Elections' legislations didn't clarify, define, or set limits to some of the concepts it included, e.g. religious advocacy or administrative authority.⁸⁹

The laws on Presidential elections and practicing political rights include list of violations which might happen during the electoral process, however, they give different punishments for the same violation. Some of the mentioned punishments are not proportional to the violation. The laws do not clarify how these violations will be traced, proved and punished.

The law on Presidential elections allows the interference of the executive powers represented by the MOI in the work of the Supreme Committee, when it comes to updating and review electoral lists and organization of Election Day. Despite the lack of trust between the society and MOI, the law insisted on pushing MOI to the fore front of such a sensitive file.

The law on practicing political rights stats that those affiliated to security authorities are exempted from practicing their political rights (as candidates or voters), but it is not clear if this means they are deprived of practicing these rights or not⁹⁰.

⁸⁸ Article 2 of the political rights law contradicts with the principle of rational and logical conditions related to citizens' ability to practice their political rights. It stipulates that persons who undergo bankruptcy should be deprived from practicing political rights

Prohibiting religious promotion may contradict with article 19 of ICCPR and IDHR which stipulates that " Everyone has the right ⁸⁹ to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

⁹⁰ The law states explicitly that those affiliated to security authorities are deprived from voting, but does not clarify their right to practice the rest of political rights. In addition, the specific law of the Parliament allows army and police

It is clear that the Egyptian legislative environment continues after the revolution to be unsuitable to produce an electoral process that is up to Egyptians ambitions in terms of free and fair elections. Enhancing the legislative environment requires reviewing all legislations relevant to the electoral process, restructuring in accordance with a modern legal system aware of Egypt's international commitments and the wide hopes after the revolution of a state of democratic progress. These laws have to be integrated into one law to avoid contradictions, ambiguity and repetitions in the existing laws. Most important is to lay real mechanisms for implementing the law, and to avoid the crisis having legal rules without implementing mechanisms. It also requires experienced administrative bodies to implement them. Interference of the MOI in the electoral process could not be accepted after its negative years of forging elections. Reform should include the right to justice and the right to appeal against the committee supervising elections according to rules of justice.

Sixth: Freedom of consciousness and religious belief

Background

Religious discrimination is one of serious social problems suffered by Egypt particularly under both Sadat and Mubarak regimes. There have been an unprecedented increase of sectarian violence against peaceful citizens, only because they differ in religion or belief; Christians, Shiaa, Bahaeis. Such events resulted in physical trauma, displacement, legal and judicial prosecution for either Christians or religious Shiites or non-religious, with increasing frequency of the so called "defamation of religions" cases.

Constitutional, legislative and organizational context of freedom of belief

Constitutional and legal discrimination

Article 2 of the 1971 constitution (included in the March 2011 constitutional declaration), stipulates that "Islam the religion of state. Principles of Islamic Shariaa is the main source of legislation". This text has two parts which were developed differently. The first is "Islam the religion of state", appeared for the first time in article of 1923 constitution. The second "principles of Islamic Shariaa is (**the**) main source of legislation", was introduced by Sadat to article 2, 1971 constitution. Then it was amended through referendum, May 22nd 1980, to pass amendment of article 77 which was limiting terms of presidency to two terms only.

This article had implications with regards to judicial rulings even for the constitutional court⁹¹. Many rulings restricting and opposing the principle of freedom of belief from the administrative court (State Council) based on both parts of article 2. Family laws were also impacted by this article, particularly in the absence of a unified civil family law for all Egyptians, resulting in different legal position for different citizens pending on their religion, e.g. the right to divorce is restricted for Christians, Baha'is could not register their marriage/divorce, and consequently proving lineage of their children.

There are other forms of constitutional and legal discrimination impacting greatly non-muslims regarding practicing their right to Freedom of consciousness and religious belief:

Worship places:

The law allows building worship places only for followers of divine religions (Abrahamic), i.e. Muslims, Christians and Jews. Even within these religions, the law doesn't acknowledge specific doctrines, e.g. Shiaa Muslims, Adventists or Mormon Christians. As for Jews, their numbers have

officers to be nominated to office whence they leave their official posts. Egypt also ratified the ICCPR, which stipulates in article 25 that "every citizen shall have the right ...to vote and to be electd..."

⁹¹See constitutional court ruling on [Baha'is](#)

decreased since the Establishment of Israel, estimated currently to be less than 200 persons. Al-Azhar had issued a statement recently refusing the building of *Hussieniat* (Shiaa mosques) in Egypt, and warning against building any sectarian mosques for specific doctrine or group: "isolating itself from the rest of the nation, and threatening the spiritual and social unity of Egypt and its people, whether it is called "*Hussieniat*" or otherwise."

Religiosity of education by the Constitution and Law

Article 19 of the 1971 Constitution stipulates that "religious education is a core subject of the curriculum in public education". Article 6 of the Education Act No. 139 / 1981 stipulate that "religious education is an essential subject at all levels of education, attaining at least 50% of its grade is a prerequisite for success, however, it should not be calculated within the total grades. Some studies reported some of the religious phenomena prevailing currently at school.⁹²

Denial of basic rights: such as legal discrimination between Muslims and Christians with regard to religious advocacy, whereas Christians are prohibited from publicly advocating their religion as it would be considered a missionary activity. Muslims who convert to Christianity are prosecuted and punished, under the rubric of contempt of the Islamic religion. Lack of a legislation that criminalizes religious discrimination is itself problematic and allows discrimination to continue (a gross example, is the case of Dr. *Mira Rauf*, who was denied appointment in the *Menya Medical School*).

Discrimination in Education

The Political project of political Islamists groups facilitated the spread of the religious discrimination culture and practices. These groups, whose political influence had significantly increased in the last three decades, do not acknowledge the concept of citizenship. They believe in their religious superiority, and they use religiosity and even employing symbols of religious connotations as an important mechanism to build political influence and intellectual clout as a prelude to penetrate the society bottom up in order to realize its political project: to seize power and establish their religious state, an essentially a sectarian project.⁹³

Mechanisms to penetrate the educational institution by the political Islam trends include:

- Preparing teachers affiliated to political Islamic trends before they join schools
- Infiltrating trade unions to protect their teachers against any administrative prosecution as a result of their political activism in schools
- Infiltrating institutions responsible for designing and monitoring educational policies, to face up to any effort which tries to entrench rational or critical thinking or citizenship culture within the educational institution. We can clearly note this in how the Muslim Brothers group is keen on nomination to the Parliament and seeking membership in its Education committee.
- Manipulating the increasing privatization trend to establish private schools, the so called "Islamic schools" which enroll only Muslim children

⁹² Hala Talaat. "Educational Atmosphere in school and promoting extremism". Paper to the second national Conference to combat religious discrimination. Cairo, 24-25 April 2009

⁹³ *Emad Siam*. The Educational Institution: Political Islamic Groups and Mechanisms of the production of the culture of Religious Discrimination. Paper to the Second National Conference To Combat Religious Discrimination. Cairo, 24-25 April 2009

On the other hand, the prevailing environment within the educational institutions plays a significant role in entrenching discrimination, religious intolerance and sectarian violence. The educational environment is characterized by

- Teaching based on memorization, rehearsal and conservation, with what follows of obedience, compliance, fear, rejection of the other and the culture of power and silence.
- Inclusion of some texts promoting intolerance in the school curricula
- Expansion of the phenomena of inclusion of Islamic faith texts in the Arabic language curricula to be obligatory studied by both Muslims and non Muslims.
- The "invisible curriculum", i.e. the role played by teachers in conveying his/her culture, beliefs, convictions, attitudes and values to their students, so that it become part of the educational process impacting students; and resulting in mainstreaming an atmosphere characterized by religions discrimination.⁹⁴

Negative Role of Media

Egyptian media, both governmental and independent, played a serious role in spreading religious sectarianism through all channels be it TV, press or electronic. It spread a hysterical environment encouraging hatred towards non Sunni Muslims, attacking their beliefs and denigrating them and even accusing of blasphemy. This happens through"

- Apparent mixing of religion with politics since the stepping down of Mubarak, particularly with the expanded space occupied by religious political powers, which was completely banned under the previous regime
- Religious TV channels allocated more time for political issues. It was not about clarifications on, or debating specific view points, but rather trials to practice what is called "Islamization of politics", i.e. to convince their viewers those political trends who differ with Islamic trends represents a kind of blasphemy which should be avoided. This was clear during different elections.

The way the media addressed sectarian events in Egypt, after the revolution till now, did not abide by professionalism or neutrality in terms of hosting representatives of different view points. Moreover, media was an active party in the conflict. No one can forget the role of the Egyptian TV during the *Maspero* events, when it called upon Egyptians to get down protecting the Egyptian Army from Copts. Ironically, the Minister of Media denied the incident, although it was aired and watched by millions of viewers.

The TV broadcasted Parliamentary discussions hardly addressed the religious freedoms' portfolio despite the importance of the question. It focused mainly on differences between liberal and Islamic parties regarding criteria of the Constituent Assembly, and article 2 of the constitution.

Seventh: Women's Civil and Political rights:

A) Women in Egyptian Constitutions:

1923 Constitution

⁹⁴ *Elham A, Hamid.* "Discrimination Culture In The Educational Process: Between Invisible Curricula And The Culture Of Instruction." Paper to the Second National Conference To Combat Religious Discrimination. Cairo, 24-25 April 2009

Article 3: Egyptians are Equal before the law. They are equal in enjoy the civil and political rights and with regards to duties and public assignments with no discrimination on grounds of ethnicity, language or religion. They, alone, are entrusted with civil or military public employment; foreigners could not take on such employment except in exceptional situations specified by the law.

Article 19: basic education is obligatory for all Egyptians, boys and girls. It is free in public schools.

Although Article 3 addressed the issue of equality and non-discrimination, it didn't mention sex discriminating; This clearly indicates that women were not positively impacted by the constitutional text on equality of Egyptians before the law, since it didn't state specific protection for women's rights.

1954 Constitutional Draft

Article 3: Egyptians are Equal before the law. They are equal in rights and public duties; with no discrimination on grounds of ethnicity, language, religion, belief or social or political opinions.

Article 5: Vote is a right to adult Egyptians of 21 years as explained by the law. Women practice this right according to conditions laid by the law.

1956 Constitution

Article 18: The state guarantees, in accordance with the law, support to the family and protection of motherhood and childhood.

Article 19: the state supports women in reconciling their work in the community with their duties in the family

Article 31: Egyptians are Equal before the law. They are equal in rights and public duties; with no discrimination on grounds of sex, ethnicity, language, religion or belief.

These articles explicitly acknowledge equality, and guarantee to some extent the state's commitment to support women in reconciling their work with their duties in the family.

1964 Constitution

Article 8: The state guarantees equal opportunities to all citizens

Article 24: Egyptians are Equal before the law. They are equal in rights and public duties; with no discrimination on grounds of sex, ethnicity, language, religion or belief

1971 Constitution

Article 8: The state guarantees equal opportunities to all citizens

Article 10: the state guarantees protection of motherhood and childhood, care for the children and youth, and provides them with the appropriate conditions to develop their talents.

Article 11: the state supports women in reconciling their duties towards the family and their work in the community; and her equality with men in all fields of life: political, social, cultural and economic, without jeopardy to Islamic Shariaa

Article 40: Egyptians are Equal before the law. They are equal in rights and public duties; with no discrimination on grounds of sex, ethnicity, language, religion or belief

Although the 1971 constitution was the most explicit and clear in acknowledging women's right to equality and non discrimination, and in stipulating state's commitment to care for working women and support them in doing multiple roles in caring for their families and their productive role in the community; yet they remained valuable constitutional texts, that were not protected or cherished by the different laws and legislations, thus women didn't benefit from them in practical reality.

Women and 25th of January revolution and the Legal Situation

In continuation of their historical role, Egyptian women participated effectively and dynamically in the 25th of January revolution. Consolidating the concept of full citizenship and putting it into practice is a necessity in current phase. This concept includes principles of equality, equal opportunities a prerequisite for expanding participation in all levels of national action be it economic, social or political.

Women in the Constitutional Principles documents

The success of the revolution in forcing Mubarak to step down, opened the door towards a genuinely democratic states respecting the citizenship rights for all its citizens without discrimination, towards a new social contract which lays the foundations of equality for all before the law and towards respecting the state of law and citizenship.

However, the transitional phase policies, brought 8 constitutional amendments that in fact was a revival of the 1971 constitution. Under the pressure of the national popular powers, SCAF, temporary ruler, was obligated to resort to a constitutional declaration of 62 articles (which were not voted in the referendum).

The path of the constitutional amendments is an indicator for entering a new phase characterized by exclusion of women and discrimination against them. The constitutional amendment committee had no women participation; reminding of historical events of exclusion of women from political decision making. The feminist NGOs Coalition, noticing the harbingers for women's exclusion from the writing of the constitution joined other national forces and rejected the amendments and condemned the exclusion of women calling for change and not mere amendments.

It was not just the exclusion of women, but rather the confused path those amendments imposed on the new citizenship state after the revolution. According to those amendments -and the political path it imposed on how to choose the constituent assembly-the states' foundations and the guarantee for freedoms and rights were captive to the polls results and those who harvest more votes. National political forces, including the feminist NGOs Coalition, entered into heated fights insisting that the writing of the constitution should be the first task, considering it as the solid social contract stipulating citizenship rights for all, and it should be decided upon by consensus among different political forces without any pressure of the number of votes received by any party.

The referendum on constitutional amendments, then parliamentary elections were run through an atmosphere hostile to the concept of citizenship, plurality and diversity. Such an atmosphere impacted women, as much as any other groups that could be easily discriminated against and excluded. Women's representation in the constituent assembly was only 2%, which emphasize that we are on a path that is antagonistic to women's right to political participation and other rights

Facing the crisis of constitutional amendments and the ambiguous destiny of the state's foundations, freedoms and rights, some of the democratic forces provided a number of documents on guiding constitutional principles. These documents varied in reflecting peoples aspirations to a new constitution for the state of citizenship, rights and freedoms. The feminist NGOs Coalition documented how these different documents dealt with women's rights. The Coalition provided its own separate document.

A number of these documents began by texts on respecting goals of the revolution: "Bread, Freedom, and Human Dignity". This beginning was an area of consensus among wide sectors of Egyptians including women.

Equality among all citizens was a common value in most of the documents as an absolute value which should be highlighted in constitutions of Modern States. What was new in some of these documents was emphasizing equal opportunities for men and women, as an advanced step that goes beyond equality among citizens. This was clear in the "National Consensus" and "National Council" documents. Equal opportunity was not stipulated as an absolute values, as with Equality, rather it was included in multiple articles linking equal opportunity to a greater number of specific right, e.g. education, health, insurance and even the right to organizing.

Many of these documents stipulated the protection of economic and social rights. Prominent among these was the "National Consensus" document which underpinned the implementation of minimum wages, guarantees for continued employment, extending insurance coverage to work force in the informal sector and state's commitment to equal opportunities for men and women with regards to public posts.

One main shortcoming with regards to women's citizenship rights was the exclusion of personal affairs from the domain of rights and freedoms and relegating it to the domain on State's foundations. Most of the documents were in agreement with extending article 2, referring to right of non Muslims to refer to their religions when it comes to personal affairs. This is the first time to emphasize discrimination between Muslims and Copts constitutionally; making it one of the state's criteria, in the state's Foundations' section, a major area for the application of sources of legislation.

Constituent Assembly

Despite Administrative court ruling annulling the formation of the flawed Constituent Assembly as a consequence of the transient management's policies bias to one group of the Egyptian society, yet the formation of the second Constituent Assembly was flawed. It is currently appealed against before the court. This is the way going on among political powers on the document which is supposed to be a consensus one.

B) Women in Egyptian Laws:

The election law and the Parliamentary elections did not reflect women's participation in the revolution (including gross violations as virginity tests, sexual harassment, beatings, killings, etc). To the contrary, the results of those elections are considered catastrophic with regard to women. Women's reward for their participation in the revolution was canceling the quota in the law. Instead, the law stipulated the at least one woman should be placed on parties' lists, without specifying her position on the list. This was abused by all parties (from extreme left to extreme right); placing women at the tail of the lists. Moreover, women who dared to go through elections as independent candidates were defamed. Thus they all; transitional administration, political parties and revolutionary partners, agreed on excluding women from political participation. The first Parliament after the great revolution included 11 women only, two of them were appointed, i.e. 2% representation of women, despite the unprecedented number of women candidates since 1956 elections. (633 candidates on the different political powers' lists, 351 individual candidates with a total of 984 candidates) This is a very humiliating situation that is not even up to women's representation under the previous regime.

Despite the complex political and security conditions, Egypt had never witnessed such enthusiasm from women to nominate themselves for election. In the 2010 elections (which was described in the media as "the golden opportunity" for women due to specifying 64 seats for women) the number of

women candidates was 404. In 2005 elections, where there was no specific seat for women, the number of candidate was 133.

As for electors, women who had the right to voting were 23.000.000 woman. Again, in an unprecedented manner, women constituted a strong voting group not to be underestimated. Filled with their hopes in a new Parliament, that would provide them with dignity and better future for their families, women queued for extended hours with their children to participate in voting.

In such conflicts, women (Egyptian women) are usually the biggest losers. Even the gains achieved through long struggles, under the previous corrupt regime, some powers are calling now for its cancellation under the rubric that these gains are linked to the previous first lady.

Third Part: Conclusions and Recommendations

It is clear that there is a heavy legacy created by years of oppression and corruption, and the hatred the previous dictatorship regime had towards human rights and their trial to restrict Egyptian citizens' enjoyment of their political and civil rights and social justice. This mandates the Egyptian authorities in the transitional period to:

- Show clearly its political will to get rid of this heavy legacy. Alone, they can't address this legacy, they need to open the door for all popular initiatives, particularly civil society to play its role, without barriers or obstacles, as a partner in political, economic and social development
- Urge the legislative authority to play its role in promulgating laws that is suitable for a state in the transitional period.

This means that the three authorities (legislative, executive and judicial) together with the civil society play effective role in building a democratic society based on equality before the law. We suggest the following recommendations towards such reform:

First: Recommendations on Freedom of Expression

- Immunity of the freedom of expression rights and rights emerging from it (freedoms of thought and opinion, media, associations, demonstrations, c) as all are protected human rights which should not be restricted or annulled except for a temporary legitimate necessity accepted according to democratic society measures.
- Guaranteeing the right of all public and private entities and legal persons to owning, establishing, and issuing all kinds of media in accordance with regulations provided by an independent national institution that prevent the establishment of monopolies of different media channels, and prevent the misuse of these channels in defamation and intrusion of privacy and violating the rights of the public, or in promoting hate speech, violence, discrimination and degrading human dignity.
- Abolition of the Ministry of Media and the higher council of Press, and replace them with an independent National Media Council formed of acknowledged professionals, experts and public figures. This Council should have the authority receiving notifications on issuing of press, visual and audio broadcasting and ensure their abidance by professional rules and ethical codes approved by media professionals themselves, design regulatory rules and monitors the respect of freedom of expression by all Egyptian media.
- Revising legal and legislative framework governing freedom of opinion and expression. This review should be guided by principles approved by the Constitutional court had approved and International treaties. This review should also include relevant constitutional articles, ownership status, existing administrations in the State owned media institution. It should review also all articles restricting the freedom of press and media in general and special laws, particularly impunity of civil servants and alike. Stopping imprisonment penalties in publishing offences, ending criminalization of employees providing statements or statistics, and limiting decision on prohibiting publishing, and different forms of censorship on national and foreign publications.
- Inviting all media institution to abide by publishing its annual budget, and agreeing on transparent system to validate publishing and distribution figures, and penalizing violators.

A minimum /maximum of wages, and making media intuitions accountable in this regard in providing fair minimum wage to achieve justice and stability within these institutions

- Support media watch processes, whether by civil society institutions or the National Media Council (see above) and availing the results and recommendation to the different media avoid negative aspects in the future.
- Increasing vocational training programs for journalists and media personnel to enhance their efficiency and professional capabilities
- Establishing an exchange program on international experience in the field of freedom of opinion and expression
- Supporting judiciary and public prosecution system's independence through justice reform and stopping the policy of impunity specifically in the cases of freedom of expression

Second: Recommendation on the right to circulate information

- 1- Having a legislative text on the right of every citizen to freedom of circulation of information without conditions, with a clear definition of what constitutes the kind of information that might be considered as impacting Egypt's national security.
- 2- Promulgating legislations stipulating administrative and financial penalties on those who contribute to the dissemination of rumors and misleading citizens. A mechanism should be established to inform citizens and correct the information.
- 3- Restructuring the institutions responsible for providing citizens with information to eliminate bureaucracy, the main barrier preventing citizens from knowing their rights and duties.
- 4- Launching awareness raising campaigns on citizens' right to information to gradually curb the concealment culture

Third: Special recommendations regarding the right to Knowledge and Culture

- 1- Promulgation of legislative articles that protect the right to knowledge and culture, enable the intellectuals to achieve their creative works, prohibit censoring their work. The state should refer to civil society's specialized associations, the intellectuals themselves in order to discuss the required amendments.
- 2- Independence of the ministry of Cultural Affairs, educational curricula, and Testing units. The minister of cultural Affairs should be selected from among intellectuals and creative artists.
- 3- Permit creative artists to present their performances in the theaters of the ministry, public clubs, and other specialized places without the interference of security agencies
- 4- Amendment of legislations with regard to supervision and censorship. Censorship on creative and artistic works should not be expanded. Discussing means to guarantee the rights with the civil society and artists themselves in order not breach their rights or the rights of the society.
- 5- Guarantee the right to own satellite channels, radio, TV and local broadcasting channels

Recommendations addressing Mass Media

- 1- Activating the Charters of Professional Honour and Code of Ethics in Press

- 2- Activating the role of the audience and the recipients of Media services in supervision, evaluation of Media and press performances
- 3- Stopping interference of administrations of press and satellite channels in the editorial policies of mass media
- 4- Showing interest in displaying cultural and creative works and presenting different views

Fourth: Recommendations regarding Associations and Trade unions

1- Associations

- The new constitution should include detailed articles on the rights and freedoms of civil society. These articles should explicitly state the right of establishing Associations and foundations through Notification. It should be in clear terms that would not allow for restrictions on the establishment of association or administrative interference in their activities.
- Promulgation of a new law regulating civil action and civil society based on international standards, especially ICCPR and ICESCR which had been ratified by Egypt and has become part of Egyptian legislation complementary to the Constitution.
- Civil society institutions with membership exceeding ten thousand members should have the right to submit laws directly to Parliament, providing that they are to get the support of thirty thousand citizens. Civil society organizations should have the right to monitor both local and legislative councils.
- Civil society associations and foundation should functions in accordance with the principles of democracy, transparency and respect for the laws through the announcement of its funding sources and the minutes of its meetings to the public

2-Trade unions

- Untying the link between regulating a profession and licensing, and other roles of a syndicate (defending the rights and interests of its members and improve their conditions, including enhancing performance and vocational rehabilitation). The first should be assigned to other organizations similar to the system of scientific societies for professionals which regulate, license, supervise, monitor and hold members accountable as applied in some countries.
- Restricting the role of regulating the Profession and running its facilities on the most qualified and able trade union on the light of general professional standards agreed upon
- Various trade unions should be authorized to play that role in accordance with agreed standards included in the law regulating the profession; all other trade unions should comply with these standards
- Workers and professionals' right to establish activity committees, or sub groups within the professional trade unions, Trade unions' councils should acknowledge such committees.
- Any legislation regarding workers or professional trade unions should be done in coordination with them, guaranteeing the right to trade unions' multiplicity and respect for voluntary, not compulsory, unification

Fifth: Recommendations on The right to participation in public life and elections

- Canceling different legislations concerning public elections in Egypt, and approve one legislation which guarantees the representation of all classes and sectors in the community, and to make it easier for citizens to practice their political rights e.g. voting and nomination to office,
- Establishing an independent and permanent commission of legal, political, statistical, technological experts and civil society members. The main mission of the commission is to produce draft laws and regulations relevant to the electoral process, prepare (update and clear) electoral lists, and announce elections' results. The commission should be financially and administratively independent. Decisions of the commission should be available to appeal via the administrative court.
- Training of workers participating in process of revising to avoid risking fairness of the electoral processes
- Allowing NGOs, local and international, to monitor all the stages of the electoral process. This means reforming regulations to allow local and international monitors comprehensive follow up of the electoral process i.e. enrollment of voters, registration of candidates up to elections' publicity. This is vital for producing neutral reports to the national and international public opinion. Administrative and security authorities should abstain from obstructing NGOs' monitors, journalists, bloggers work during monitoring process
- Fair and transparent investigations of all violations during election, e.g. using religious slogans in electoral campaigns, buying votes, getting beyond the expenditure ceiling, smearing campaigns. The supreme committee should have adequate powers to enable it to follow up on complaints and take appropriate measures.
- Decreasing the number of voters per committee through increasing the number of committees to improve its ability to deal with voters, and enhance the general environment within the committee. Election committees should be in wide rooms that could accommodate the largest number of voters, candidates' representatives, and monitors. It should be also appropriate for older people and disabled
- The Elections Supreme Committee's (ESC) work should be transparent and take equal stance towards candidates in terms of: copies voters' lists, making detailed regulations on the key elements of the electoral process (including voting and counting, enforcing fair rules with regards the "electoral silence" period, and receiving complaints. The Committee should also publicize regularly the preliminary results of each voting committee to avoid doubts about fairness in compiling the final results, and guarantee the integrity of the whole process.

Sixth: Recommendations on the right to freedom of conscience and religious belief

- The Constitution should state explicitly in its first article that "Egypt is a secular democratic country". Article two of the 1971 constitution (stating that Islamic Shariaa' is the main source of legislation) should be cancelled, or at least amended to read as it was in all Egyptians constitutions before the 1971. Canceling the preservation "without prejudice to Islamic Shariaa'" mentioned in article 11 on equality between men and women.
- Cancellation of article 19 stipulating that "religious education is a core subject in public education curricula", revising all curricula to refinement of educational materials of all what deepens sectarian division between, and sectarian sorting of, Egyptian citizens, and ensuring

that teaching religions is restricted to religious curriculum within a common ethical framework. Teaching should be promoting tolerance, multiplicity, diversity, respect of human rights and religious freedom. Al Azhar educational institutions should be integrated within the civil educational system under the supervision of Ministry of Education, and Al Azhar university returns back as it used be, a university of Islamic studies.

- Promulgation of the unified law on worship houses, and annulling of other laws obstructing it.
- Issuing of unified civil code for personal affairs to regulate issues of marriage, divorce and inheritance to be applied to all Egyptians and those living in Egypt
- Cancellation of religion in identity cards and job application forms in order to situate the citizen-state relationship in the right place, emphasizing the state's neutrality towards its citizens' religious beliefs, that all citizens are equal before the law, and that equal opportunity is guaranteed to all.

Seventh: Recommendations on Women's civil and to political rights

- An explicit commitment of the state to include articles in the constitution and issue needed legislations to protect women's rights. It should also stipulate penalizing those who discriminate against any citizen on the basis of sex, race, color, religion, belief, marital status, or pregnancy. Discrimination in all its forms should be considered a no statute of limitations crime.
- The state should promote women's rights through policies and mechanisms of affirmative actions stipulated in the CEDAW convention, and combat norms and customs degrading to women. State should also invoke a quota, of at least 30%, for women in different elections.
- Work is a right, a duty and an honor guaranteed by the state to every. It should be fairly remunerated in accordance with the terms of decent work. State should protect the right to work for all forms of employment, including seasonal and non-permanent. State should not abstain from coercing its citizens to work, unless stipulated by the law for public service. The state should provide free health care services, including reproductive and mental health.
- Free education in all stages, is a right guaranteed by the state. It is obligatory in the primary stage, and state should work to extend this to other stages. State should also guarantee non discrimination in all issues related to the educational process.
- The State guarantees the right of every citizen to privacy, personal freedom, physical and psychological integrity, and protection the sanctity of the body. State should criminalize all forms and practices of violence, torture, and all forms of inhuman or degrading treatment in both the public or private spheres.
- The state should guarantee protection of childhood and care of youth in accordance with the Convention on the Rights of the Child (CRC), guarantee the child's best interest' and be committed to the provision of child care services in different domains. State should deal with the provision of raising children as a right and responsibility of both parents. The state should guarantee to monitor children rights regardless of the parents' marital status.

Part Four: A Summary

The anger that prevailed the Egyptian streets before the 25th of January revolution was the culmination of numerous interrelated factors that are connected with basic rights, liberties and the

confiscation of the rights of citizens to freedom of expression, belief and political practices. Citizens were deprived of enjoying their economic, social and cultural rights as the system of the dictator Mubarek used to impose its police grip on all sectors of the Egyptian society. It therefore deprived the society from freedom of expression, organization, belief, and the right to information, knowledge and culture. Therefore, regardless of their different interests, people's solidarity demanded to overthrow the oppressive regime during the revolution.

The new authorities that are ruling during the transitional period did not prove to bias towards the demands of the Egyptian revolution or the benefits of the people that went out to ask for their freedom. The SCAF started with the Constitutional Declaration on February, 13th, 2011, that was followed by a number of decisions, decrees and announcements that support its authority, and determine the way that Egypt will go through during the transitional period. There was a type of cooperation between SCAF and political Islamist forces that worked together to pass the Constitutional Declaration by a referendum in March, 2011 that identified the path during the transitional period. The successive authorities should have supported the demands of the Egyptian revolution by allowing various sects and civil society institutions to contribute to the democratic transition so that the country would develop in a specific way that addresses the needs and expectations of the Egyptian people.

However, the conditions of the fields of rights to freedom of expression, peaceful demonstration, and circulation of information, rights to knowledge, culture, organization, and freedom of belief, and women's rights to participate during this transitional period reflect lack of bias of the authorities after the revolution towards the demands of the Egyptians.

Freedom of expression and the right to peaceful demonstrations that were granted in the successive Egyptian constitutions were not developed on the legislative level of meaning. Although they were mentioned in the Constitutional Declaration, in articles 12 and 13, still the legislative structure that regulates ways of implementation did not change much. In addition, the practices of these rights encountered many difficulties during the transitional period. Freedom of expression was violated as is evident in the case of the citizen, "Hassan Nassar" who used to live in Germany, and was arrested because he carried a sign on which he wrote, " People want the cleanliness of Hurghada". This is also evident in the dissolution of the sit-in of the students of the Faculty of Mass Media, Cairo University by military police forces on March 23rd, 2013. Many of the distinguished activists and journalists were summoned to military investigations and mass media were urged to oppose Egyptian protestors. The SCAF had no intentions to respond to the demands and the ambitions of the Egyptians. People who were ruling during this period should have accommodated legislative amendments that contribute to freedom of expression. They should have allowed Media professionals and civil society institutions to participate in a required reformation process as these people have experiences and have played roles in the development of the society in different fields. Authorities should have supported recommendations that protect the rights to freedom of expression and its other branches like freedom to thought, meetings, opinion, demonstrations, establishing institutions, in addition to freedom of Media and Press. This could have been achieved by referring to drafts of laws and suggested legislative texts that were prepared by the civil society. These should grant the rights of people and private or public legal persons to own, issue and establish various types of media. Moreover, ministries of Mass Media and the Supreme Council for Press could have been abolished and replaced by an independent council for Media. All laws and legislative framework that govern freedom of expression and opinion should be reviewed. All media institutions should be invited to publish their annual budgets and closing balances; they should agree on a transparent system to check figures of distribution, support training programs to develop professional skills, support independence of judiciary authority and public prosecution institution.

The right of Circulating Information was not developed enough to address the needs of the Egyptians. No legislations were developed to protect it as the state remained to follow the same policies through which the state determines the information that citizens should know and other information that should remain hidden. The elected parliament did not take any positive steps concerning this matter. This led to numerous dangers during the transitional period, as for example, the mystery that surrounded most legal cases and trials of the political figures of the previous regime. This clarifies the scarcity of information about judicial processes and absence of evidence. As a result, the judiciary is doubted by activists and citizens. The incidents of Port Said stadium in which 70 people died during a football match was surrounded by mystery. Although many committees were formed from members of the parliament to unravel this mystery, the committees could not reach enough information about the incident. Thus the authorities should have tried to avoid the dangers and grant the right to circulation of information by devising legislations that would regulate the right without conditions. Information that could threaten the national security of Egypt could be determined. Strict administrative and financial penalties could be placed on each one who contributes to the dissemination of rumours or misleading citizens. There should be mechanisms to inform citizens about these rumours and revelation of the truth. Institutions that are concerned with providing information should be restructured in a way that abolish bureaucracy as it is the main obstacle that prevent citizens from being aware of their rights and duties. Campaigns that raise citizens' awareness of the importance of information should be held until the culture of 'hidden information' ends.

The right to knowledge and culture is one of the rights that the Egyptian state controls as it attempts to control means of knowledge and culture through concerned ministries of Mass Media, Education and Cultural Affairs, in addition to supervisory bodies that censor creative and artistic works. In spite of the fact, that the successive constitutions of Egypt have decreed the necessity of granting freedom to scientific research and literary creativity, however lack of details that describe means of attaining freedom and independence of knowledge and culture lead the legislator to promulgate laws and rules to censor creative works and information that influence public opinion. The Egyptian citizen, therefore, cannot have access to information except what the government declares or through permissible creative works of art. Independent mass media that attempt to provide accessible information are subjected to judicial investigations because they do not have evidence to authenticate disseminated information in an official way protected by the law. Lack of a political will to grant the right of the citizen to knowledge and culture lead to many violations and restrictions like the incident of the Faculty of Pthreatenacy, Cairo University when the administration of the Faculty prevented the display of the film "Separation" without giving clear reasons, the primary court's decree to imprison the artist Adel Imam and the prosecution of the writer Karam Saber. The authorities should put legislations to protect the rights to knowledge and to support the independence of the ministry of cultural Affairs. The minister should be selected from among the creative and the intellectuals themselves. Creative artists should be able to perform in the state's theatres. Legislations concerned with censorship should be amended and the right to own newspapers and satellite channels should be granted. Although media plays an important role during the transitional period, still different mass media have attempted to defend their visions overlooking the rights of citizens to knowledge and culture except for few independent channels that do not support any of the political waves. Mass Media have to activate the charters of professional honour and code of ethics in press, the role of the audience and the recipients of media services in the supervision and the evaluation of media performance. It has to stop the interference of the administrations of newspapers and satellite channels in the editorial policies of mass media. It has to show interest in displaying creative and cultural works and shed light on different opinions around in order to achieve its roles in disseminating knowledge and culture appropriately.

Although the successive institutions stipulated **the right to establish associations and trade unions** and legal protection of this right, however, the transitional period has witnessed a big campaign against the associations of the civil society and human rights activists. This was followed

by the so called “the case of civil society funding”, and the notorious defamation campaign that SCAF and political Islamist groups were involved in. This campaign clearly clarifies the attitude of the state towards the civil society; an attitude that overlooks civil society's own recommendations for reforming the associations' law to allow for freedom of activities, transparency and proper monitoring. If the state wants to grant and protect this right, the new constitution has to include detailed articles concerning the liberties and rights of the civil society, using clear terms that affirm the right to form associations and organizations through notifications. It should be in clear terms that would not allow for restrictions on the establishment of association or administrative interference in their activities. Also a new law, based on international standards, especially ICCPR and ICESCR which had been ratified by Egypt and has become part of Egyptian legislation complementary to the Constitution, should be promulgated to organize the work of NGOs and the civil society. Civil society institutions with membership exceeding ten thousand members should have the right to submit laws directly to Parliament, providing that they are to get the support of thirty thousand citizens. Civil society organizations should have the right to monitor both local and legislative councils.

As for the right to participation in public life and elections, after the revolution of January 25th Egypt witnessed many elections and referendums, from March 2011 to June 2012, like those of the Constitutional Declaration referendum, Parliamentary elections, Shura elections and the Presidency elections. Different legislative sources were used to organize these procedures; the first is the Constitutional Declaration referendum (March 2011), the law of organizing the Presidency elections (and its amendments), the law of Practicing Political rights (and its amendments), the law of Parliamentary elections (and its amendments), Shura elections (and its amendments), in addition to decisions made by the Elections Supreme Committee's (ESC), the committee of Presidency elections and international charters and conventions ratified by Egypt. Unfortunately, the above diverse sources did not contribute to facilitating the procedures of elections. On the contrary, procedures were deficient and implementations of articles were contradictory. Indeed the laws that organize procedures of elections in Egypt have some contradictions that contribute to their divergence from international standards and their reliability. The authorities should devise some procedures in order to allow the citizen to practice this right. These are: canceling the various legislations concerned with public elections in Egypt, endorsement of a legislation that facilitates the procedures for citizens (e.g. voting and nomination to office), establishing an independent and permanent commission of legal, political, statistical, technological experts and civil society members including members of NGOs, training of workers participating in process of revising to avoid risking fairness of the electoral processes, allowing NGOs, local and international, to monitor all the stages of the electoral process(not only as witnesses), fair and transparent investigations of all violations during election and decreasing the number of voters per committee through increasing the number of committees.

The right to freedom of conscience and religious belief: Minorities in Egypt suffered from discrimination during Mubarek and Sadat's times. This starts with legislative distinction and the constitutional and laws determination not to protect minorities from discrimination in different domains as the texts affirm that that Islamic Shariaa' is the main source of legislation. The repetition of this text in successive constitutions makes believers in Islam think that they are better than other citizens. There are no articles in the constitution that criminalizes discrimination or penalizes the prejudiced. Therefore, Egypt has witnessed numerous incidents of sectarian violence before the 25th of January revolution because of the following: there is no unified law for worship houses till present times, religiosity of education, depriving minorities of their basic rights and discriminating against them as far as religious beliefs are concerned, continuing to discriminate between Muslims and minorities in education. The state should devise some procedures in this matter that start with stating explicitly in the first article in the constitution that "Egypt is a secular democratic country" cancellation of the second article of the constitution, revising all educational curricula to purify them from concepts that deepen division and sectarian discrimination between

Egyptian citizens, ensuring that religious teachings are done in religion curricula only and within common ethical framework, promulgation of the unified law on worship houses, and annulling of other laws obstructing it, issuing of unified civil code for personal affairs to regulate issues of marriage, divorce and inheritance to be applied to all Egyptians and those living in Egypt and cancellation of religion in identity cards and job application forms, not to negate the religion of the individual but in order to situate the citizen-state relationship in the right place, emphasizing the state's neutrality towards its citizens' religious beliefs, that all citizens are equal before the law, and that equal opportunity is guaranteed to all.

Women participated in the Egyptian revolution with men side by side and better still women were exposed to gross violations including virginity tests, beatings, killings, and sexual harassment!!!

The current authority, like the previous one did not consider positive steps to support women to practice their civil or political rights. The Constitutional Declaration that people agreed on and that diverted the path of the transitional period, overlooked the important role that women played in the revolution. The law of the Parliamentarian and Shura elections did not reflect women's role in the revolution. To the contrary, the results of those elections are considered catastrophic with regard to women in the light of what is known as “the revolution Parliament”. Women's reward for their participation in the revolution was canceling the quota in the law and instead, the law stipulated that least one woman should be placed on parties' lists, without specifying her position on the list. This was abused by all parties (from extreme left to extreme right); placing women at the tail of the lists for decorative reasons. In addition, appropriate representation of women was overlooked in the **The Constituent Assembly of Egypt (CA)**. Since then the position of women began to deteriorate gradually especially because of the hostile attitude of political Islamist groups, who won majority of seats in the legislative assemblies and presidential elections. States should be committed to the recommendations of civil societies that could be summed up in the following: There should be an explicit commitment of the state to include articles in the constitution and issue needed legislations to protect women's rights. It should also stipulate penalizing those who discriminate against any citizen on the basis of sex, race, color, religion, belief, marital status, or pregnancy. Discrimination in all its forms should be considered a no statute of limitations crime. The state should promote women's rights through policies and mechanisms of affirmative actions stipulated in the agreement of discrimination cancellation, and combat norms and customs degrading to women. The state should also invoke a quota, of at least 30%, for women in different elections. The state should equate between men and women in the fields, work, education and wages. The state should guarantee the right of citizens, both men and women to privacy, personal freedom, physical and psychological safety and protection of the bodies of women. It has to criminalize all violence, torture and other inhumane practices that degrade women on the private or public levels of meaning.