



**Egypt - Universal Periodic Review - 3<sup>rd</sup> Cycle**  
**Assessment Report on 2<sup>nd</sup> Cycle Recommendations**  
Progress on Liberal Democratization and Fighting Terrorism

**Investigated by:** The Liberal Democracy Institute of Egypt

**Covering the period:** from March 2015 to March 2019

**Submitted:** Monday, 25 March 2019



## **Preface**

This assessment report investigates into Egypt's progress on liberal democratization and countering terrorism based on the recommendations received on the second cycle of the Universal Periodic Review (UPR) in November 2014, and adopted in March 2015, in relation to Civil and Political Rights (Thematic Cluster Group 1) and Justice and Security of Persons rights (Thematic Cluster Group 2); as follows:

**A. Liberal Democratization:**

1. Elections
2. Civil Society

**B. Fighting terrorism:**

1. Counter-terrorism
2. Public Security

The report is created by the Liberal Democracy Institute of Egypt (LDI), based on first-hand observations and direct involvement into all the human rights issues covered, herein.

### **About LDI:**

LDI is a Cairo-based think tank dedicated to studying, promoting, and advising policymakers on advancing liberal democracy and countering political Islamism in Egypt and the Middle East. LDI was founded in November 2014, and acquired its legal status in May 2016, under Egyptian Law, as a human rights non-profit non-governmental organization under license no. 10159/2016.

([www.egyldi.org](http://www.egyldi.org))



## **A. Liberal Democratization:**

### **1. Elections:**

On second cycle, Egypt received and accepted 3 recommendations on elections.<sup>i</sup> The general ideas are:

- To hold parliamentary elections as early as possible
- To improve the quality of the electoral process through:
  - encouraging women participation
  - allowing independent local and international election observers
  - revising regulations governing electoral campaign's finances

### **What happened?**

Since UPR's second cycle in November 2014, Egypt held two national elections: the parliamentary elections (February-December 2015) and the presidential elections (January-April 2018). In its capacity as local human rights CSO, LDI hired election observation missions to monitor both elections, to monitor and evaluate the freedom and fairness of voting and the quality of legislative and political frameworks within which the elections were conducted.<sup>ii</sup>

#### **a. Progresses:**

- Both parliamentary and presidential elections were held on their constitutionally scheduled dates, despite security threats imposed by terrorist activities.
- Both elections were administered by the independent unbiased National Elections Authority (NEA), which was established in 2015 by the judicial authority. NEA's supervision improved the quality of the election in terms with refining voters' databases and setting regulations that effectively limited corrupt practices, such as abusing electoral campaign finances.
- Police and military security forces played a crucial role in securing poll stations against terrorist threats, and thus encouraging higher turnouts of voters, especially from women and elder citizens.
- Women's participation, as voters and candidates, in the parliamentary elections scored the highest in Egypt's history. The record number of 89 women were seated as Members of Parliament in 2015.



- Independent electoral observation missions, local and international, were allowed to freely operate, and were given direct access to NEA's emergency desk and Ministry of Interior's security operations room to immediately report electoral violations or security threats.

**b. Challenges:**

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- Both elections witnessed weak political competition, due to the chronic unhealthy status of most political parties. This limited voters' options, and may hinder the progress of democratization, on the long-term.
  - The use of old, rather than modern information technology tools negatively affected voters' turnouts among Egyptians living abroad and local citizens living in cities miles away from their electoral districts, due to the high cost of travel to poll stations.
  - According to constitution, independent judicial supervision on elections shall end in 2024. This may negatively affect the quality of future elections and re-incite corrupt practices.
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- There has been an unexplained delay in holding municipal council elections, for twelve years. The parliament failed to pass the municipal councils law in 2016 and no further action was taken, since then. This unexplained delay participates negatively in increasing administrative and financial corruption among municipal council officials.

**Recommendations:**

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- To adopt a national strategy to create and enhance a healthy political multi-party system.
  - To terminate the unconstitutional Islamist political parties.
  - To use modern information technology tools in administrating elections.
  - To amend the constitution to allow the independent judicial supervision on elections to continue beyond 2024.
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- To pass municipal council law and hold municipal council elections as early as possible.



## **2. Civil Society:**

On second cycle, Egypt accepted 16, out of 26, recommendations on civil society.<sup>iii</sup> The general ideas are:

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- Reform the laws governing civil society to allow freedom of launching and operation
- Enhance civil society through ensuring safe and enabling environment
- Encourage civil society cooperation with the government to support human rights

### **What happened?**

#### **a. Progresses:**

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- In November 2016, the parliament passed the new NGO Law. In May 2017, the President of the State approved the new NGO Law. In November 2018, after heated debate on certain provisions, the President decided to cease his approval, and returned the law to parliament for further edit and review.

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- In December 2018, the cassation court acquitted and dropped all charges against the 43 foreign NGOs employees, who were tried in the infamous “foreign NGO case” and sentenced to prison terms ranging from one to five years.
- In January 2017, President Elsis met with leaders of charity NGOs, and stated that “the work of NGOs is complimentary to the work of the government.” Since then, the Egyptian government has successfully cooperated with charity NGOs on several projects to improve social and economic rights.
- The past five years witnessed regular and unprecedented exchanges between some human rights CSOs professionals, including LDI, and high profile policymakers, including the parliament and presidential bureau, on issues related to improving civil and political rights.

#### **b. Challenges:**

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- In 2013, seventy local NGOs were tried for working outside the law and illegally receiving foreign funds to conduct operations harmful to public security. As a result, convicted NGOs employees are prevented from travel pending the final verdict. The case is still open and no final verdict has been reached, yet.



- Human rights CSOs are struggling with operation-related challenges that is limiting the flow and influence of their work. Such as:
  - Fundraising has become too difficult to pursue. On domestic level, most donors, including individual citizens, private businesses, and government funds, prefer to donate to charity NGOs over human rights CSOs. On international level, most of the international grant programs that used to fund the Egyptian human rights CSOs, before the 2011 revolution, froze their programs in Egypt since 2012.
  - Most of the older human rights CSOs insist on adopting political biases, in compensation to the weakness of political parties, and thus refuse to get registered under the NGO Law, either old or new, which prohibits CSOs from practicing politics. Their insistence on practicing political activities and decline to abide by the law is hurting the legitimacy and credibility of the whole human rights community in the eyes of the public.
  - The main stream media is negatively portraying human rights CSOs professionals as “traitors” and “spies,” which negatively affected the legitimacy of the causes they advocate for.
  - Government employees, responsible for working with registered NGOs, have limited experience on the nature and scope of the work of human rights CSOs. In addition to the time and effort usually wasted on bureaucratic procedures, whether the NGO is a charity or a human rights organization, the human rights CSOs carry the extra burden of needing to explain their work and justify the legitimacy of their activities to the government employees, in order to avoid intimidation or slowing of the procedures.
- The unjustified prolonged delay in renewing the board of Egypt’s NHRI – The National Council for Human Rights (NCHR) – is not only harming the local and international reputation of NCHR, but is also affecting the reputation of the whole human rights community in Egypt. The current board has been formed, as a transitional board, during the transitional period following the removal of Muslim Brotherhood regime in 2013. So far, the board has been working for five years beyond its legitimate term, in clear violation to governing laws, the Constitution, and Paris Principles.



**Recommendations:**

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- To expedite the process of re-editing the new NGO Law (70/2017) to guarantee safe and enabling environment to human rights CSOs.

- To accelerate the judicial procedures related to the legal case against local NGOs to reach a final verdict.

- To provide educational training on civil and political rights and the nature of the work of human rights CSOs to government employees working directly with registered human rights organizations.

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- To continue the efficient cooperation between government and charity NGOs, while expanding mutual exchange of thought between policymakers and human rights CSOs to advance liberal democratization.

- To encourage mainstream media to stop stigmatizing professionals and volunteers at human rights NGOs by calling them spies or foreign agents.

- To re-activate, increase the budget, and expand the scope of “The Governmental Fund to Support NGOs” so it can provide funding opportunities to projects implemented by Egyptian charity NGOs as well as human rights CSOs.

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- To encourage philanthropy and social responsibility at the business sector, through legalizing tax-free donations or tax exemptions to business institutions donating to charity NGOs or human rights CSOs.

- To expedite the process of appointing the new board of the National Council for Human Rights, as early as possible.



## **B. Fighting terrorism:**

### **3. Counter-terrorism**

### **4. Public Security**

On second cycle, Egypt received and accepted three recommendations related to counter-terrorism<sup>iv</sup> and five recommendations related to public security.<sup>v</sup> They all revolved around the same common ideas:

- To balance success in fighting terrorism with guaranteeing full respect to fundamental human rights
- To ensure that the security forces are acting in accordance with human rights laws and norms
- To set up the legal and political efforts to combat all forms of terrorism

## **What happened?**

Countering terrorism is one of the main areas where Egypt achieved success. During his opening speech at the World Youth Forum, in 2017, President Elsisi stated that “Terrorism violates and destroys our human nature. The fight against terrorism is a human right.”

Between June 2013 and December 2015, LDI documented more than three-thousand cases of politically motivated acts of violence committed by the local members of the Muslim Brotherhood in internal governorates.<sup>vi</sup> This statistic does not include the massive expansion of terrorist groups in Sinai; whose members are mostly affiliated to Hamas in Gaza, who managed to sneak into Sinai through illegal tunnels during the post 2011 revolution years of chaos.

### **a. Progresses:**

- On August 2015, the Law on “Fighting Terrorism” went into effect. Consequently, the Security Forces, affiliated to the Ministry of Interior, launched a nation-wide campaign to target the masterminds of the violent crimes committed by Muslim Brotherhood affiliates, with the purpose to disturb public order. The security forces arrested most of the middle men, who were responsible for receiving funds from the Muslim Brotherhood’s leaders, who escaped to Turkey and Qatar after the fall of MB regime in 2013, and spent this money on planning and organizing acts of violence against civilians and state institutions. The Security Forces Campaign succeeded in





decreasing the number and scope of the violent crimes and eventually led to a state of security and stability that allowed the state to proceed with social and economic development plans.

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- Meanwhile, the Ministry of Interior's "Human Rights Sector" expanded its scope of work to help policemen execute their work, in pursuit of terrorism, with full respect to human rights. LDI's director was invited by the Human Rights Sector, several times between 2016 and 2018, to lecture policemen of different ranks and positions on human rights values and best practices on respecting human rights while taking security measures. In addition, the Ministry of Interior's Human Rights Sector launched several campaigns, in cooperation with human rights CSOs, between 2015 and 2018, to educate women on their right to safety from sexual harassment and domestic violence. The Ministry of Interior's Human Rights Sector cooperated with human rights CSOs on monitoring elections and encouraging citizens to vote, despite the ongoing threat of terrorism.

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- On the other hand, the Egyptian Armed Forces were pre-occupied by fighting the expanding terrorist groups in Northern Sinai, while participating in relieving the burden of economic reforms applied by the government in 2016. While the Second and Third Field Armies were engaged in direct combat with ISIS terrorists in Sinai, on a daily basis; field arms in internal governorates worked on providing basic nutritional goods for citizens for affordable prices. In addition, military forces cooperated with the Ministry of Interior's Security Forces on securing ballot stations against potential acts of terrorism, during parliamentary and presidential elections, which participated effectively in increasing voters' turnout.

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- In February 2018, the Armed Forces launched the "Military Comprehensive Operation 2018" in response to the increasing terrorist threat in northern and central Sinai and on Egypt's northern and western borders. In December 2018, the military spokesperson announced that the Comprehensive Operation has successfully destroyed the infrastructure of terrorist organizations, including ISIS factions, and limited their ability to operate. Concerns about the human rights situation of civilians in Sinai, during the Comprehensive Operation were raised in early 2018. The curfew imposed by the military and the closure of Sinai Peninsula against terrorist leakage to other neighbor cities, put a great pressure on Sinai inhabitants, who could not secure their daily needs of food and medicine. In response to the potential crisis, military vehicles loaded with free-of-charge food and medicine supplies were sent to Sinai, on daily basis, to support the trapped civilians. On his first press conference to report the results of the Comprehensive Operation, the military spokesperson asserted that "the military is performing the Comprehensive Operation with full respect to the internationally recognized

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standards and norms related to respecting the human rights of civilians while fighting terrorism.” Ironically, North Sinai was one of the top governorates with the highest voters’ turnout during the presidential elections in April 2018. By December 2018, the military spokesperson announced the successful accomplishment of the Comprehensive Operation and published photos proving the return of normal daily routine in Sinai.

**b. Challenges:**

- The main challenge Egypt is facing in its continued war against terror is operating under the State of Emergency, since it was first instated in April 2017, following a horrific terrorist attack on two churches in Tanta and Alexandria. Since then, the State of Emergency has been renewed, once every three months, without a clear indication on when it is expected to end. Despite the fact that President Elsis waived his exceptional powers under the Emergency Law to the Prime Minister, resorting to exceptional tools to confront a damaging threat should be limited by specific time and action. The constant renewal of the State of Emergency raises a lot of concerns on potential abuse of political power, in the future.
- Legal cases related to violent crimes and acts of terrorism takes too long to process at courts due to limited space, limited number of qualified judges, and the chronic slowness of legal procedures, in general. This deprives defendants from the right to prompt justice and puts a great load on state facilities and budget.
- Violent acts of terrorism are the byproduct of radicalization and religious extremism among grassroots citizens, who followed political Islamists and Islamic extremists, over the past four decades. The Islamist extremists flourished in the transitional chaotic period, which followed the 2011 revolution. They formed political parties and mixed political rhetoric with their religiously extremist rhetoric. In addition, they abused legal stipulations (e.g. article 98f of the Penal Code) to silence and imprison their critics, from among famous secular writers and thought leaders.
- According to the constitution, the parliament should have passed the Anti-Discrimination Law and a permanent Anti-Discrimination Authority should have been formed, since 2015, to fight all forms of discrimination, especially that induced by religious extremism against non-Muslim citizens. However, no tangible progress on passing the law or establishing the authority has been accomplished, yet.



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**Recommendations:**

- To amend the Penal Code and Fighting Terrorism Law to guarantee reaching prompt judicial decisions in terrorism-related cases, within ordinary judicial procedures.
- To review all discriminatory laws that are being abused by Islamist extremists against their critics, such as article (98f) of the Penal Code, which extremists had already abused to imprison several writers and thought leaders, under the misleading claim of “disdaining Islam.”

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- To accelerate the process of issuing the Anti-Discrimination Law and establishing the Anti-Discrimination Authority, in line with the constitution.
- For respective state authorities and Al-Azhar Institution to cooperate on: developing moderate religious rhetoric capable of refuting extremist ideologies among grassroots citizens, working on refining school curricula to remove discriminatory and violence-tolerating texts, and publicly shame acts of religious discrimination.

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- To dissolve the nine Islamist political parties, including the Salafist El-Nour Party, which have been operating in Egypt since 2012, despite their unconstitutional status. “The High Committee on Political Parties Affairs” filed a claim to dissolve those parties in mid-2015, following a pressure campaign implemented by LDI and other independent civil society activists. But, the court has not made a final decision on the case, yet.
- To end the exceptional State of Emergency as early as possible, without affecting state’s successful efforts on keeping public security and fighting terrorism.

## Annexes

**Table I: Egypt UPR's 2<sup>nd</sup> Cycle adopted recommendations on Elections:**

N	Recommendation	Recommended by	General Idea
1	Apply the road map on political rights through the holding of legislative elections	Sudan	To hold parliamentary elections
2	Hold parliamentary elections as early as possible	India	
3	Improve the quality of the electoral process and ensure implementation of recommendations of Election Observation Missions, especially with regard to equal political participation of women, participation of independent election observers, respect for freedom of assembly and expression and revision of campaign finance regulations	Czechia	Improve the quality of the electoral process in general

**Table II: UPR's 2<sup>nd</sup> Cycle adopted recommendations on Civil Society:**

N	Recommendation	Recommended by	Common Idea
1	Ensure amendments to the Law 84 of 2002 are consistent with Egypt's Constitution and Egypt's international obligations.	Canada	Reforming the laws governing civil society in line with the constitution to facilitate the work of NGOs by allowing freedom of launching and operation.
2	Expediently enact a new NGO law in line with the new Constitution which will grant legal personality to NGOs upon notification.	Republic of Korea	
3	Bring the draft bill on NGOs into line with international norms and the Egyptian Constitution.	Iceland	
4	Adopt the legislation facilitating the work of NGOs in a way that will promote human rights and benefit the overall political process in Egypt.	Croatia	
5	Implement actions to facilitate the work of civil society, including through legislative measures.	Costa Rica	
6	Ensure full implementation of the Constitution's provisions for the free operation of civil society, including through a revised NGO law that conforms to international standards and protects freedom of expression.	United Kingdom	
7	Adopt the new law on NGOs to fully guarantee to the civil society a set of rights in conformity with international standards.	Italy	



8	Prepare and adopt the law affirming the right to establish nongovernmental organizations merely upon notification.	Slovakia	Enhancing civil society through ensuring safe and enabling environment, and cooperation with the government to support human rights, women's rights, civil freedoms, social rights, and economic development.
9	Continue its various programmes to enhance the people's right to education, especially in the eradication of illiteracy, by cooperating with the specific governorates, civil society organizations as well as other international organizations.	Brunie Darussalam	
10	Give due consideration to ensuring a safe and enabling environment for civil society.	Japan	
11	Fully implement its international obligations to ensure the protection of human rights defenders and other civil society actors while exercising their human rights, including the freedoms of expression, association and assembly.	Finland	
12	Guarantee an environment conducive to the work of journalists, human rights defenders and civil society organizations.	Tunisia	
13	Further intensify efforts to promote gender equality, to combat sexual harassment and gender-based violence through a comprehensive legislative reform and the adoption of a national strategy, and recognize the important work and competence of NGOs in this field.	Sweden	
14	Continue to promote and enhance interaction and dialogue between the competent national authorities and the civil society organizations.	Cyprus	
15	Continue strengthening frameworks of cooperation between law enforcement apparatuses and civil society, in order to have further meaningful dialogue to address all relevant human rights challenges in the country.	Indonesia	
16	Pursue its cooperation with national councils and civil society organizations.	Equatorial Guinea	



**Table III: UPR's 2<sup>nd</sup> Cycle adopted recommendations on Counter-Terrorism:**

N	Recommendation	Recommended by	Common Idea
1	Accelerate the adoption of the bill on the respect of human rights in the fight against terrorism	Burkina Faso	Balancing success in fighting terrorism with guaranteeing full respect to fundamental human rights.
2	Pursue the fight against terrorism in compliance with human rights	France	
3	Ensure the anti-terrorism measures in line with full respect for fundamental human rights while combating terrorism	Korea	

**Table IV: UPR's 2<sup>nd</sup> Cycle adopted recommendations on Public Security:**

N	Recommendation	Recommended by	Common Idea
1	Ensure that the defense and security forces act in accordance with international human rights norms regarding the use of force	Central African Republic	Ensure that the security forces are acting in accordance with human rights laws and norms
2	Ensure that the security forces act in accordance with human rights laws and international norms on the use of force, and investigate allegations of abuse committed by them	Chile	
3	Step up the efforts to combat all forms and manifestations of terrorism and extremism	Russian Federation	Set up the legal and political efforts to combat all forms of terrorism
4	Step up the efforts to combat terrorism in all its forms	Saudi Arabia	
5	Make all possible efforts to speed up the adoption process of the law to combat all forms of terrorism	Burundi	



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## **Endnotes**

<sup>i</sup> See attached annexes - Table I: Egypt's UPR 2<sup>nd</sup> Cycle adopted recommendations on Elections.

<sup>ii</sup> See full reports issued by LDI on:

- Observing Parliamentary Elections 2015 (Arabic, PDF): <https://www.egyldi.org/parliamentalelections2015>
- Observing Presidential Elections 2018 (Arabic, PDF): <https://bit.ly/2mk0qCR>

<sup>iii</sup> See attached annexes – Tabel II: Egypt's UPR 2<sup>nd</sup> Cycle adopted recommendations on Civil Society.

<sup>iv</sup> See attached annexes – Tabel III: Egypt's UPR 2<sup>nd</sup> Cycle adopted recommendations on Counter-terrorism.

<sup>v</sup> See attached annexes – Tabel IV: Egypt's UPR 2<sup>nd</sup> Cycle adopted recommendations on Public Security.

<sup>vi</sup> See full reports documenting Muslim Brotherhood violent crimes in Egypt between June 2013 and December 2015 on LDI website (PDF files, Arabic and English): <https://www.egyldi.org/muslimbrotherhood>