

# EGYPT 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Egypt is a republic led by President Mohamed Morsy. The government's source of authority for all but the final six days of the year was the provisional constitution issued by the Supreme Council of the Armed Forces (SCAF) in March 2011, which was based on the 1971 constitution, and supplemental constitutional declarations issued by President Morsy on August 12 and November 22. The August 12 declaration abrogated a June 18 constitutional declaration by the SCAF that granted it sweeping executive and legislative authorities and ceded these authorities to President Morsy; the November 22 declaration removed executive decisions from judicial oversight. On December 25, voters approved a new constitution by popular referendum, cancelling the November 22 declaration. The SCAF governed the country from February 2011 until June 30, when Morsy assumed the presidency following a June 16-17 election widely considered free and fair. The government comprises cabinet ministers appointed by the president; a bicameral legislative branch that includes the House of Representatives (the lower house) and the Shura Council (the upper house); and a judicial branch. The Supreme Constitutional Court dissolved the lower house on June 14. The Shura Council held sole legislative authority at year's end, pending new House of Representatives elections anticipated in 2013. Security forces reported to civilian authorities following the transfer of executive power from the SCAF to President Morsy.

The country's transition to democracy continued to be beset by political turmoil, as well as the breakdown of law and order and established social norms. This breakdown had the largest effect on society's most vulnerable elements, including women and minorities, who often became the target of violent attacks. The most significant human rights problems during the year were: a) threats to women's rights, with an increasingly challenging environment in which women faced assaults and sexual harassment and often were unable to assemble peacefully without male protection; b) failure to prosecute perpetrators of violence against religious minorities and in some cases to protect minorities from violence; and c) threats to freedom of speech, press, and association, as security forces assaulted, abused, and arrested journalists who sought to cover clashes between the military and protesters while the SCAF was in power. Courts convicted persons charged in private lawsuits with "insulting" religions, government figures, and the Prophet Muhammad, and "harming national unity." A restrictive nongovernmental organization (NGO) law continued to hinder freedom of association.

Other human rights problems included security force killings of protesters, torture and physical abuse by security forces, poor prison conditions, infringements on citizens' privacy rights, and discrimination against religious minorities in employment and church construction. Migrants in the Sinai also were detained unlawfully and subjected to sexual and physical violence by nonstate actors. Domestic violence and societal discrimination against women were widespread. Abuse of children and discrimination against persons with disabilities remained problems, as did discrimination based on sexual orientation and against persons who were HIV-positive. In the labor sector, security forces sometimes used force to disperse strikes and sit-ins, and child labor remained a serious problem.

The government prosecuted some persons, including former president Hosni Mubarak and former interior minister Habib Al Adly, for responsibility in the killing of protesters during the revolution. NGOs alleged that a high rate of acquittals of police personnel led to continuing impunity for security forces.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings.

In September, according to the Egyptian Initiative for Personal Rights, police in Meit Ghamr beat Atef al-Mansi, a cafe owner who went to the station to file a complaint about police abuse. He died of his injuries shortly thereafter. Prosecutors launched a criminal investigation but brought no charges by year's end, according to NGOs. When local residents subsequently gathered outside the police station, police opened fire with automatic rifles, killing one person and seriously injuring another.

On November 18, during clashes that began when military police forcibly evicted residents from the island of Qursaya, military police allegedly shot and killed Mohamed Abdel Mawgoud Mohamed. NGOs claimed that the military used excessive force during the incident, in which 10 persons were injured, including five soldiers. Civilian prosecutors referred a complaint filed on behalf of the victim's family to the military prosecutor; there was no information on the status of the investigation at year's end. Military police referred 25 residents to military

prosecutors, who charged them with assaulting the military and seizing land owned by the armed forces.

Deaths of demonstrators declined significantly during the year. Deaths usually occurred in large-scale clashes between rival groups of demonstrators, and in some cases NGOs and media alleged that “thugs,” violent protesters, and security forces were all responsible for deaths and that security forces failed to intervene to stop the clashes and protect demonstrators. For example, on December 5 and 6, according to Human Rights Watch, loosely organized members of the Muslim Brotherhood and Freedom and Justice Party (FJP) broke up a sit-in opposing the president outside the presidential palace, leading to approximately 12 hours of violence in which 10 persons were killed. Journalist Al-Husseini Abu Deif was killed by live ammunition fired by an unknown source. Central Security Forces, military police, and presidential guard personnel stationed in the area did not intervene to stop the clashes.

On June 21, an Alexandria court sentenced, in absentia, four former officers of the abolished State Security and Investigations Service (SSIS) to life in prison for torturing Salafist preacher Sayed Bilal to death in January 2011. The court sentenced a fifth former SSIS officer to 15 years in prison.

In general prosecutors blamed a lack of conclusive evidence for hindering the conviction of members of the security forces accused of killing demonstrators during 2011, while NGOs charged that prosecutors’ bias in favor of the security forces resulted in poorly administered investigations. Since the revolution that began in January 2011, authorities charged an estimated 200 police officers with using excessive force to quell demonstrations. Courts tried approximately 75 for crimes related to the deaths of demonstrators; they convicted seven (six in absentia) and acquitted at least 55. On September 3, a military court convicted three low-ranking military police officers of involuntary manslaughter and sentenced them to between two and three years in prison for their roles in an October 2011 demonstration by primarily Coptic Christians during which military police and civilian “thugs” killed 27 persons.

On June 2, a court sentenced former president Hosni Mubarak and former interior minister Habib Al Adly to life in prison for failing to intervene to prevent the deaths of hundreds of protesters during the revolution. The court acquitted six senior interior ministry codefendants.

## **b. Disappearance**

According to the 2011 UN Human Rights Council Report of the Working Group on Enforced or Involuntary Disappearances, there were 41 outstanding disappearance cases. The government made no efforts to prevent or investigate these incidents. More than 1,000 persons missing since the 2011 revolution remained unaccounted for, according to domestic and international human rights organizations.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The provisional constitution in force for most of the year prohibited the infliction of “physical or moral harm” upon persons who have been arrested or detained; the constitution adopted on December 25 states that no intimidation, torture, coercion, or physical or moral harm shall be inflicted upon the person. However, the penal code fails to account for mental or psychological abuse, abuse against persons who have not been formally accused, or abuse occurring for reasons other than securing a confession. Domestic and international human rights organizations reported that police, prison guards, and military personnel sometimes resorted to torture, often to extract information from detainees, including minors in some cases. Incidents of torture declined early in the year but increased late in the year after the civilian-led government was in place. Domestic and international human rights organizations reported that methods of torture usually included beatings with fists, whips, metal rods, or other objects, electric shocks, and being forced into contorted positions for extended periods of time. There were allegations that loosely organized groups of supporters of the government and the Muslim Brotherhood tortured citizens protesting against the president.

On May 8, the People’s Assembly increased the penalties for persons who torture or participate in torturing an individual in order to obtain a coerced confession.

On May 7, two journalists alleged that military police officers tortured them after they were detained while covering clashes between protesters and the military near the Ministry of Defense in Cairo, on May 1-2. The two said that the officers forced them to crawl on their stomachs with their hands tied behind their backs while soldiers kicked them and beat them with sticks. Seven women arrested during the May 1-2 clashes claimed that military officers sexually abused them and others while in custody. The government denied these allegations.

Advocates for those arrested following violent confrontations with police in the wake of the September 11-15 protests against a film ridiculing Islam and the Prophet Muhammad alleged that police beat them while they were in custody. The government did not respond to these claims.

On December 6, during large-scale clashes between supporters and opponents of the president outside the presidential palace, groups of civilians affiliated with the Muslim Brotherhood and the FJP allegedly unlawfully detained several dozen anti-government demonstrators and severely beat them, according to media and NGO reports. President Morsy ordered an investigation but no conclusions were announced by year's end.

On March 11, a military court acquitted a military doctor charged with alleged sexual assaults on seven women detained in Tahrir Square following protests in March 2011; the military characterized the assaults as "virginity tests." The court cited conflicting testimonies as the reason for the acquittal.

### **Prison and Detention Center Conditions**

Conditions in the country's prisons and detention centers remained harsh.

Physical Conditions: According to international NGO observers, prison cells were overcrowded, with a lack of medical care, proper sanitation, food, clean water, and proper ventilation. Tuberculosis remained widespread. Abuse was common, especially of juveniles in adult facilities, and guards brutalized prisoners.

There were approximately 60,000 prisoners. Authorities did not always separate juveniles from adults and sometimes held pretrial detainees with convicted prisoners. Prison conditions for women were marginally better than those for men, although there were credible reports of sexual abuse of female prisoners. Provisions for temperature control and lighting generally were inadequate.

Administration: The government took steps to automate recordkeeping and began imposing fines instead of incarceration when sentencing nonviolent offenders. The penal code provides for reasonable access to visitors. However, according to NGO observers and relatives of inmates, the government sometimes prevented visitors' access to detainees. Prisoners were permitted religious observance. Authorities permitted prisoners to submit complaints to judicial authorities without censorship and to request investigation of alleged inhumane conditions. However, NGO observers claimed that prisoners sometimes were reluctant to do so due to fear of

retribution from prison officials. The government investigated some, but not all, of these allegations.

Monitoring: The government permitted some visits by independent human rights observers to prisons and jails during the year, but permission to conduct such visits more often was denied. As required by law, the public prosecutor continued to inspect regular prisons. In July a delegation from the quasigovernmental National Council for Human Rights (NCHR) visited Cairo's Tora Prison, where former president Mubarak and other high-level, former regime figures were held, to investigate claims by Mubarak's family that hospital facilities were inadequate. The delegation concluded that the facilities complied with international standards and were sufficient to treat the former president. The NCHR considered itself an ombudsman serving on behalf of prisoners, but there was no official government ombudsman.

Improvements: Renovations at prisons around the country reportedly began to alleviate some of the problems with prison conditions during the year.

#### **d. Arbitrary Arrest or Detention**

The provisional constitution and the December 25 constitution prohibited arbitrary arrest and detention, and the incidence of such practices declined from the previous year. Prior to the transfer of power to civilian authorities on June 30, the military engaged in such practices. During that time, military police occasionally rounded up large numbers of demonstrators, some of whom were engaged in violent behavior, and often released them after detaining them for several hours. On rare occasions, nonstate actors detained demonstrators from the opposite side of the political spectrum and sought to hand them over to police (see section 1.c.).

#### **Role of the Police and Security Apparatus**

The Ministry of Interior controls the Egyptian National Police (ENP); the National Security Sector (NSS), established in March 2011 following the abolition of the SSIS, undertakes analysis and investigations; and the Central Security Forces (CSF) maintains public order. The ENP is responsible for law enforcement nationwide. The CSF provides security for infrastructure and key domestic and foreign officials, and is responsible for crowd control. Military police assisted the ENP and the CSF throughout the year. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also worked at the national level.

The ENP continued to take a reactive approach to crime. As a result, the incidence of petty and violent crimes remained higher than it was prior to the revolution. Sexual violence still was not investigated sufficiently. The CSF's effectiveness improved slightly from the previous year, although it still periodically failed to prevent or respond to societal violence. This was due in part to past abuses that created a poor relationship with many communities, which meant that the CSF's presence often exacerbated rather than calmed or controlled tensions.

Impunity was a problem, particularly in cases involving alleged abuses by the military, although there was slight progress in moving towards accountability for civilian security forces compared with the previous year. The ENP adopted a code of conduct in October 2011, and in July the government established the Civil Rights Defense Committee to examine issues relating to the use of force by security services during the 2011 revolution. (The committee was expected to produce its findings in early 2013.) The government investigated and prosecuted some, but not all, past instances of abuse, and most prosecutions resulted in acquittals (see section 1.a.). For example, in June the government initiated the homicide trial of police officer Mohamed Al Shinawy, known as the "eye sniper" because of a YouTube video of him ordering subordinates to shoot at protesters' eyes in November 2011. The trial was ongoing at year's end. President Morsy announced in December that all incidents involving violence against protesters during and after the revolution would be reinvestigated.

### **Arrest Procedures and Treatment While in Detention**

The government arrested and detained individuals under the code of military justice, the penal code, and the Emergency Law. All three legal regimes operated simultaneously for the first five months of the year. The Emergency Law, which had been in force almost continuously since 1958, expired on May 31. Authorities continued to use state emergency courts to try those arrested for Emergency Law violations prior to its expiration. The Emergency Law allows arrest without a warrant and detention of an individual without charge for as long as 30 days, after which a detainee may demand a court hearing to challenge the legality of the detention order. A detainee may resubmit a motion for a hearing at one-month intervals thereafter; however, there is no limit to the detention period if a judge continues to uphold the order or if the detainee fails to exercise the right to a hearing, and there is no possibility of bail. Although the Emergency Law stipulates access to an attorney and, if indigent, an attorney provided by the state, many detainees remained incommunicado in state security detention facilities

without access to family members or to lawyers before their cases were transferred to trial.

On May 10, the People's Assembly barred the government from prosecuting civilians under the code of military justice except in cases in which the alleged crimes were against the military. The code of military justice previously allowed the arrest of military personnel and civilians accused of ordinary crimes as well as offenses against the armed forces and those that "harm national security." The December 25 constitution states that "civilians shall not stand trial before military courts except for crimes that harmed the armed forces. The law shall define such crimes." The number of civilians referred to military courts declined significantly from the previous year, although the practice still occurred periodically and many civilians referred to military courts during the previous year remained in prison. In April 379 civilians detained by the military during the November 2011 Mohamed Mahmoud Street clashes in Cairo were transferred to civilian criminal courts. In January the SCAF pardoned 1,959 civilians convicted in military courts in 2011. According to NGOs, several hundred persons remained in prison and subject to military courts at year's end.

On June 13, the SCAF issued a decree granting military police and intelligence officers the authority to arrest civilians; a court overturned the decree on June 26. On December 9, President Morsy granted arrest authority to military personnel through the end of the constitutional referendum on December 22. There were no reports that the military arrested civilians during this period.

Arrests under the penal code occurred openly and with warrants issued by a public prosecutor or judge. A prosecutor must bring charges within 48 hours of arrest or release the suspect. Detainees sometimes were not informed promptly of the charges against them. Authorities may hold a suspect for a maximum of six months while they investigate the case. There was a functioning bail system for persons detained under the penal code. Criminal defendants have the right to counsel promptly after arrest and access to family members at the court's discretion. The court is obliged to provide a lawyer to indigent defendants. In practice, however, defendants often faced administrative obstacles and were unable to secure regular access to lawyers or family visits.

Arbitrary Arrest: The Committee to Protect Journalists reported that at least 18 journalists had been assaulted, injured, or arbitrarily arrested while covering clashes between the military and protesters near the Ministry of Defense in Abbasseya, Cairo, on May 1-2. According to domestic media reports, the SCAF

ordered the arrest of 300 persons--many of them followers of disqualified presidential candidate Hazem Abu Ismail--in connection with the clashes.

Pretrial Detention: Pretrial detention was a problem throughout the year. Pretrial detainees sometimes were held with convicted prisoners. Large backlogs in the criminal courts contributed to protracted periods of pretrial detention. The pretrial-detention problem was used in particular by the SCAF to justify recourse to speedier military and state emergency courts. On August 23, President Morsy issued a decree prohibiting the pretrial detention of journalists.

Detention of Rejected Asylum Seekers or Stateless Persons: There were no reports of any African migrants or refugees who were detained after a rejected asylum application. However, authorities detained hundreds of Africans without access to asylum procedures. In addition there were approximately 70,000 Palestinians living in the country--an unknown number of whom were stateless--and some of whom were detained in prison.

Amnesty: On October 6, President Morsy announced a pardon of 569 persons the government described as “common prisoners.”

### **e. Denial of Fair Public Trial**

The provisional constitution and the December 25 constitution provided for the independence and immunity of judges and forbid interference by other authorities in the exercise of their judicial functions. During the year the courts exhibited greater autonomy and freedom from executive influence by declaring illegal or unconstitutional some of the decrees issued by the SCAF and President Morsy. The government generally respected court orders in nonpolitical cases.

### **Trial Procedures**

In all three court systems defendants legally are presumed innocent. There are no juries. Civilian criminal trials usually are public. Military and state security courts are not open to the public. Defendants have the right to consult an attorney in civilian courts, and the government provides counsel if the defendant cannot afford a lawyer. Defendants in military and state security courts have the right to consult an attorney but sometimes were denied timely access to counsel. In all three systems, the law allows defendants to question witnesses against them and to present witnesses and evidence on their own behalf, and it provides defendants and their attorneys the right to access government-held evidence.

In civilian and military courts, defendants have the right of appeal up to the Court of Cassation; state security courts do not allow appeals. Sentences by military courts are subject to certification by the president. The president and the grand mufti must confirm all death sentences. While it held executive authority from January 1 to June 30, the SCAF did not certify verdicts, but in some cases it annulled them and issued pardons. Lawyers and NGOs argued that military court trials did not meet basic standards of due process, as defendants often were tried in a matter of hours, often in groups, and sometimes without access to an attorney. In February a civilian court acquitted and released demonstrator Amr al-Beheiry after a retrial. In March 2011 a military court had sentenced al-Beheiry to five years in prison following a trial that lasted less than five minutes.

### **Political Prisoners and Detainees**

More than 1,000 persons missing since the 2011 revolution remained unaccounted for, according to domestic and international human rights organizations. Human rights activists insisted that at least some of those missing were being held as political prisoners. On October 8, President Morsy announced a pardon of all persons charged with or accused of “crimes related to achieving the goals of the revolution” between January 2011 and June 30. On August 17, reportedly in response to findings by the Civil Rights Defense Committee, President Morsy ordered the release of 58 civilians imprisoned by the military. On July 19, he ordered the release of 572 civilians detained by the military since February 2011. He also freed 25 individuals local media reports identified as “Islamic jihadists” who were “political prisoners from the Mubarak era.” Human rights activists contended that because President Morsy did not pardon some of those released but instead suspended their sentences, they subsequently had difficulty finding work and remained under threat of arrest.

### **Civil Judicial Procedures and Remedies**

Individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits during the year. However, the evidentiary standard required for a conviction often meant that cases were dismissed or defendants acquitted in the face of lack of evidence or conflicting witness testimonies. Some civil society activists and politicians claimed that some prosecutors and judges held biases in favor of the security forces and Mubarak government that caused them to acquit some police officers and high-profile political figures associated with the Mubarak government.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The provisional constitution and December 25 constitution provided for the privacy of the home, correspondence, telephone calls, and other means of communication. However, the Emergency Law, in effect until May 31, suspended the constitutional provisions regarding the right to privacy. Security agencies sometimes placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence, examined their bank records, searched their persons and their homes, and confiscated personal property. Security services also employed extensive informer systems.

On July 9, utility worker Waheed Mostafa alleged that police, on the pretext of looking for weapons, raided his apartment in Cairo and tortured and sexually assaulted him and his wife.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The provisional constitution and December 25 constitution provided for freedom of speech and press. However, the December 25 constitution also prohibits “offending or criticizing” the three recognized religions (Judaism, Christianity and Islam) and their prophets as well as “humiliation and contempt” of any citizen, and defines responsibilities for the press, including abiding by the “necessities of national security.” Various authorities, including the SCAF and independent courts, partially restricted the rights of speech and press mainly through harassment and censorship. Private and government-initiated lawsuits brought under Mubarak-era provisions of the penal code prohibiting incitement, discrimination, and insults to religion or public figures also restricted expression.

Freedom of Speech: Citizens expressed their views openly on a wide range of political and social topics, including the elections, civil-military relations, and the role of religion in society. They vigorously criticized senior government officials and policies in the independent press, on satellite television, and on social media. Occasionally, the government investigated and prosecuted individuals for alleged incitement, insults to religion, or insults to public figures.

On September 18, a court in Sohag sentenced Bishoy Kamel to six years in prison for a variety of Facebook posts and comments; the court sentenced Kamel to three

years for blasphemy, two years for defamation of President Morsy, and one year for defamation of a public prosecutor.

Freedom of Press: The independent print and broadcast media were active and expressed a wide range of views on political and social issues, but direct criticism of the SCAF or the military was criminalized while the SCAF was in power, and the government pursued several cases against reporters it accused of insults to public officials or publishing false information under President Morsy. The penal code and the press and publications law govern press issues. More than 20 state-owned media outlets continued to operate.

The government controlled the licensing, printing, and distribution of newspapers, including independent papers and those of opposition political parties. On multiple occasions during the year, the government prevented the printing or distribution of newspapers because of articles it deemed inappropriate. The provisional constitution restricted ownership of newspapers to public or private legal entities, corporate bodies, and political parties. It also gave the Shura Council the power to appoint editors-in-chief of state-owned media outlets. The December 25 constitution removed restrictions on newspaper ownership.

Violence and Harassment: According to press reports, police assaulted two Egyptian journalists covering a security operation in a village in Kafr El-Sheikh Governorate north of Cairo on September 19. The Committee to Protect Journalists reported that at least 18 journalists were assaulted, injured, or arrested while covering clashes between the military and protesters near the Ministry of Defense in Abbasseya, Cairo, on May 1-2. Reporters Without Borders reported attacks on 32 journalists during the May clashes.

Censorship or Content Restrictions: The government attempted to censor some satellite television stations. On May 13, it closed the Cairo office of Iranian television station Al-Alam for broadcasting without a license, while other unlicensed stations were permitted to broadcast. According to online reports by Egyptian freedom of expression advocates, the government took off the air the popular evening Al-Hayat broadcast by Mostafa Bakry, who vociferously opposed Morsy's candidacy for president. The official reason given for the hiatus was "renovations in the studio."

In December the presidency filed a legal complaint against television announcer Mahmoud Saad, psychiatrist Dr. Manal Omar, and the Al-Nahar channel for "spreading false information" during a show in which Saad and Omar questioned

President Morsy's sanity. In August the government prosecuted journalists Tawfiq Okasha, Islam Afifi, Abdel Halim Qandeel, and Adel Hamouda on charges of incitement to violence and "insulting" President Morsy. The government closed Al-Fareen, the independent satellite television station owned by Okasha, and on October 22 a court sentenced him to four months in prison for an August 6 broadcast in which he implicitly threatened Morsy's safety. Okasha filed an appeal that was under consideration at year's end and remained free pending its outcome.

The government confiscated the entire press run of Afifi's daily newspaper *Al-Dostour* on August 11 because of his front-page editorial accusing the Muslim Brotherhood of various crimes against the nation. Prosecutors jailed Afifi following an initial hearing on August 23 but released him later that day after President Morsy issued a decree forbidding the pretrial detention of journalists. On December 27, the court delayed indefinitely a ruling on Afifi's request for the recusal of judges he claimed were biased against him. On September 12, a judge overturned a "defamation of Islam" conviction against Adel Imam, one of the most famous actors in the Arab world, in connection with three comedic films he made in the 1990s. On April 24, a court had upheld an initial guilty verdict against Imam.

Libel Laws/National Security: Under the law, an editor-in-chief can be considered criminally responsible for libel contained in any portion of a newspaper. Periodically the government cited "national security grounds" as the reason why it stopped the printing and distribution of newspaper editions.

Nongovernmental Impact: Nongovernmental actors also attacked journalists and inhibited freedom of expression during the year. For example, on June 21, a group of unidentified men stripped naked and sexually assaulted British journalism student Natasha Smith, who was in Tahrir Square to cover the celebrations following the official announcement of Mohamed Morsy's election as president. On August 12, Khaled Salah, editor of *Al-Youm Al-Sabea* newspaper, filed a formal complaint in which he stated that unknown persons tried to assault him as he entered Cairo's Media City. He accused leaders of the Muslim Brotherhood-backed FJP of inciting violence against him.

## **Internet Freedom**

Internet communications were open and unrestricted, but the government monitored them and occasionally prosecuted individuals accused of posting

“insulting” material. Local service providers blocked access to Web sites if they contained material, such as child pornography, that is illegal under the law.

On January 1, the SCAF released blogger Maikel Nabil Sanad, following nine months in a military prison for “insulting the military institution and distributing false news that disturbs public security.” On October 7, Sanad claimed in an online commentary that he was again under investigation for insulting Islam. On April 4, a Cairo court sentenced a 17-year-old Christian boy to three years in jail for publishing cartoons on his Facebook page that mocked Islam and the Prophet Muhammad. On September 13, police arrested blogger Alber Saber for allegedly posting on his Facebook page a link to a film ridiculing Islam and the Prophet Muhammad, and on December 12 a misdemeanor court sentenced him to three years in prison for insulting Islam. At year’s end he was released pending an appeal.

According to the Ministry of Communications, Internet penetration in July was 37.8 percent with an estimated 31 million users.

### **Academic Freedom and Cultural Events**

There were no significant government restrictions on academic freedom or cultural events. There were no reports of self-censorship, and professors reported that they felt able to publish frank assessments of the country’s political and socioeconomic issues. However, there were isolated incidents of interference with cultural events. On March 4, Cairo University’s pharmacy faculty prohibited an on-campus screening of the award-winning Iranian film “A Separation.” No reason for the prohibition was given.

The Ministry of Culture must approve all scripts and final productions of plays and films. It censored foreign films to be shown in theaters but generally did not censor the same films sold as DVDs. During the year domestic plays and films addressed political and socioeconomic issues in a critical manner and were shown without interference.

On November 28, a Cairo court tried in absentia and convicted seven expatriate Coptic Christians of insulting Islam for their role in the making of a video that denigrated the Prophet Muhammad and sentenced them to death. The court also tried in absentia and convicted preacher Terry Jones of the same offense and sentenced him to death.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The provisional constitution and December 25 constitution provided for freedom of assembly, and the government rarely attempted to restrict this right. The large and sometimes violent demonstrations that characterized 2011 were replaced by less frequent, smaller protests, where security forces often were not present to prevent conflict. On September 17, Central Security Forces forcibly dispersed a group of students staging a sit-in at Nile University. Female demonstrators in particular accused the security forces of failing to protect them from targeted physical and sexual assaults by civilian “thugs” in the environs of demonstrations.

### **Freedom of Association**

The provisional constitution and December 25 constitution provided for freedom of association, but the government restricted this right. In February the government charged citizen and foreign personnel working for five international NGOs with “running unlicensed organizations” and “receiving foreign funds without permission.” It also temporarily imposed a travel ban on the foreign defendants. The trial continued at year’s end. The government continued to use the registration process to prevent domestic and foreign NGOs from working in the country and to delay granting registered NGOs permission to receive foreign funding.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, albeit with some notable exceptions, including the handling of refugees and asylum seekers. The government provided protection for recognized refugees but did not cooperate consistently with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to asylum seekers and other persons of concern.

In-country Movement: Citizens and foreigners may not travel in areas of the country designated as military zones.

Foreign Travel: Men who have not completed compulsory military service may not travel abroad or emigrate. Completion of military service is indicated on national identification cards. Married Bahais and their children faced difficulties obtaining national identification cards because the government did not recognize Bahai marriages as legitimate. As a result some Bahai men of draft age were unable to establish that they had fulfilled or were exempt from military service and therefore were unable to obtain passports. Police officials reportedly forced unmarried young women, sometimes including those in their thirties, to present their father's written permission to obtain a passport and to travel, although this is not required by law.

Exile: The provisional constitution and December 25 constitution prohibited forced exile, and the government did not utilize the practice during the year. A number of citizens living outside the country in self-imposed exile continued to return after the resignation of former president Mubarak.

### **Internally Displaced Persons (IDPs)**

On September 27, nine Coptic families were displaced from Rafah after gunmen fired at their properties and threatened them with death. Several hundred Copts remained displaced from the village of Dahshour following a July 26 dispute between a Coptic dry cleaner and a Muslim customer that escalated into communal violence and widespread destruction of Coptic-owned houses and businesses. The government enabled some Coptic residents to return to Dahshour by providing them with police protection (see section 6).

### **Protection of Refugees**

Access to Asylum: The provisional constitution and December 25 constitution provided for the protection of political refugees, but the country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The UNHCR has the authority to make refugee status determinations based on a 1954 memorandum of understanding with the government. However, according to the Four Freedoms Agreement signed by Egypt and Sudan in 2004, refugee status determinations for Sudanese citizens were to have been suspended and they were to have been treated

as asylum seekers. According to the UNHCR, the country is host to some 145,000 refugees and asylum seekers, mainly from Syria, Sudan, Iraq, and countries in the Horn of Africa. During the year an estimated 90,000 displaced Syrians entered the country, although only approximately 9,000 registered as refugees with the UNHCR; Syrians were able to secure visas in their passports for their legal stay.

While the UNHCR was allowed contact with detained registered refugees and asylum seekers, the government continued to deny access to unregistered asylum seekers. Detained migrants, many of whom were Eritrean and Sudanese and may have had a basis for asylum claims, were subject to criminal penalties and indefinite administrative detention for unauthorized entry or residence; they did not have access to the UNHCR. Authorities often held them in jails, military camps, and regular prisons with convicted criminals. In July an administrative court issued a decision against the Ministry of Interior for its detention of two Sudanese persons since 2010 without charge. On September 5, the ministry released one of the two individuals; the other remained in detention.

Refoulement: According to human rights advocates, detained migrants were typically given two options: voluntary return to their country of origin or indefinite administrative detention. As the government denied the UNHCR access to unregistered detained migrants and asylum seekers, the number of potential asylum seekers returned to their countries was unknown.

Refugee Abuse: Human rights advocates estimated that police shot and killed at least five sub-Saharan African migrants during the year to prevent them from entering Israel through the Sinai Peninsula, although the actual number was unknown. As of September international organizations and NGOs estimated that between 500 and 1,000 Africans were detained in the Sinai, some by authorities and others by smugglers. Migrant testimonies collected by NGOs reflected reports of systematic extortion, long-term detention, rape, and torture, sometimes resulting in death, by Bedouin smugglers in the Sinai. NGOs observed an increase in the number of individuals who reported being kidnapped en route to refugee settlements in Sudan and involuntarily smuggled to and held in the Sinai. Smugglers reportedly demanded ransoms of approximately LE 200,000 (\$31,465) per person, with some ransoms as high as LE 240,000-300,000 (\$37,760-48,000). Sub-Saharan African refugees and migrants faced discrimination by society at large as well as by authorities and those in detention were subjected disproportionately to beatings by prison guards.

Employment: Most refugees were not granted legal authority to work in the country, with the exception of Sudanese asylum seekers since 2004. Those seeking unauthorized employment faced challenges due to lack of jobs and societal discrimination against sub-Saharan Africans. Refugees who found work generally took low-paying jobs in the informal market, for example as domestic servants, and were vulnerable to exploitation by employers.

Access to Basic Services: Refugees, in particular those from sub-Saharan African countries, continued to face limited access to housing, education, health services, and other social services. The UNHCR provided refugees with modest support for education and health care through NGOs, as well as small monthly financial assistance grants for new arrivals and particularly vulnerable refugees. Some public schools enrolled refugee children, but most did not, citing overcrowding and lack of resources. Instead refugee children mainly attended refugee-run schools, private schools, or were home-schooled. Government hospitals were required by law to provide free medical care to refugees, but many of the hospitals did not have adequate resources to provide care to refugees. In response to the influx of Syrians, the government allowed Syrian refugees and asylum seekers access to public education and health services while in the country.

### **Stateless Persons**

Citizenship is derived through a combination of the principles of birth within the country's territory and from one's parents. Stateless persons, who accounted for less than 1 percent of all registered refugees and asylum seekers (approximately 44,150 persons), frequently did not qualify for protection under the local refugee determination apparatus. Many stateless persons faced indefinite detention. Of the fewer than 100 registered stateless persons, 33 were Armenians displaced for more than 50 years. Other stateless persons included the children of Eritrean fathers and Ethiopian mothers who lacked refugee status and were not considered citizens by either of their parents' countries. They received no monetary assistance, lacked the ability to work, and were isolated from other members of refugee communities. There were approximately 70,000 Palestinians living in the country, an unknown number of whom were stateless, detained in prison, and not registered with the UNHCR. Since the January 2011 revolution, the government granted citizenship to 11,000 Gaza residents born to Palestinian fathers and Egyptian mothers. The legal denial of women's ability to transmit citizenship continued to result in stateless children.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

Following the inauguration of President Morsy on June 30, there were no limitations on citizens' rights to change their government peacefully. The provisional constitution and December 25 constitution provided for citizens to elect the House of Representatives (formerly known as the People's Assembly) every five years. The provisional constitution also provided for two-thirds of the 180-member Shura Council--the upper house of parliament--to be elected and one-third to be appointed by the president, every six years, but the December 25 constitution changed the number appointed by the president to no more than one-tenth of the number of elected members. A ruling by the Supreme Constitutional Court on June 14 dissolved the People's Assembly, and the Shura Council held sole legislative authority at year's end following the constitutional referendum approved on December 25. President Morsy held legislative authority between August 12 and December 25. New elections for the House of Representatives were expected to take place in 2013. Under the provisional constitution and the December 25 constitution, citizens directly elect the president, who is limited to two four-year terms. On November 22, President Morsy issued a constitutional declaration granting him broad authorities and placing his decisions outside of judicial oversight until a new constitution was approved. President Morsy canceled parts of this constitutional decree on December 8, following protests by the judiciary and some opposition groups. Other parts of the decree were canceled as a result of the popular approval of the December 25 constitution.

#### **Elections and Political Participation**

Recent Elections: The constitutional referendum was held on December 15 and 22. There were no international observers. Domestic observer groups cited a variety of scattered violations including campaigning too close to polling stations and some polling stations opening late or lacking all necessary technical equipment, but generally concluded that the violations did not alter the results.

The presidential runoff election occurred on June 16-17. The first round of presidential elections took place on May 27. Observers from the Carter Center stated that they could not provide a comprehensive assessment of the integrity of the elections due to administrative problems that limited their mandate but noted that the elections were free from major and systematic flaws that unfairly advantaged either candidate. Domestic observers also reported irregularities but generally concluded that they did not rise to the level of organized fraud. The

government's continuing legal action against two international civil society organizations prevented them from monitoring the election process. The law prevented all observer organizations from commenting on the process prior to its completion; however, most groups disregarded this provision of the law, and authorities did not actively enforce it.

The second round of the Shura Council elections took place on February 14-15, following a first round held on January 29-30. The third and final round of People's Assembly elections took place on January 10-11. The Carter Center and domestic observers criticized the broader context in which the elections were held, as well as some administrative irregularities, but concluded that the results appeared to broadly represent the will of the electorate.

Political Parties: Citizens were free to form, legally register, and operate political parties. However, the law prohibits parties formed on the basis of religion, class, sect, profession, geography, language, or gender, and it requires new parties to have a minimum of 5,000 members from at least 10 provinces. Six new parties successfully registered during the year. On September 22, the Supreme Administrative Court ruled that the Shia-oriented Al-Tahrir Party could not register as a party because it is based on religious principles, although the Sunni-oriented FJP and Al-Nour parties faced no restrictions.

Participation of Women and Minorities: Religious and cultural barriers continued to prevent women's political participation and leadership in nearly all political parties and government institutions. Although women were the majority of voters during the elections, voters elected few women to either the People's Assembly or the Shura Council. Of the 987 women who ran in the parliamentary elections, nine won seats. The SCAF appointed two more. There were 11 women (three elected and eight appointed) serving in the Shura Council at year's end.

President Morsy's cabinet included two women, one of them a Coptic Christian. There were no women or members of religious minorities serving on the SCAF; women were only permitted to serve in the medical corps of the armed forces and were excluded from compulsory military service, and non-Muslims generally were selected for retirement before reaching senior active-duty ranks. No women or members of religious minorities were among the appointed governors of the country's 27 governorates.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but the government did not consistently enforce the law. High-profile prosecutions of former regime figures, however, made impunity less of a problem than previous years. The Central Agency for Auditing and Accounting was the government's anticorruption body and submitted biennial reports to the People's Assembly that were not available to the public. The auditing and accounting agency stationed monitors at state-owned companies to report corrupt practices. Observers did not judge the agency to be effective. On August 27, President Morsy appointed an advisor for democratic transformation whose mandate included examining allegations of official corruption. However, he resigned following Morsy's November 22 constitutional decree removing executive decisions from judicial oversight.

On June 2, the Supreme Court acquitted former president Mubarak's sons, Alaa and Gamal Mubarak, of land-deal corruption charges. Mubarak's trial on similar charges did not start by year's end. Alaa and Gamal remained in custody awaiting trial on separate charges of stock-market profiteering.

Dozens of other former regime figures faced corruption charges, but most had not been tried. On September 11, the Public Prosecutor's Office charged former presidential candidate Ahmed Shafik with corruption for allegedly selling Alaa and Gamal Mubarak land at a fraction of its real value when he chaired a housing association in the 1990s. On September 9, prosecutors ordered former SCAF deputy chairman and army chief of staff Sami Anan referred to military court on charges of illegal enrichment.

There are no financial disclosure laws for public officials, nor is there a legal framework stipulating how citizens could access government information. The government generally was not responsive to requests for documents regarding government activities and did not provide reasons for its lack of responsiveness.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Government restrictions on local and international NGO activities continued to limit the ability of NGOs to carry out their work (see section 2.b.).

There were many well-established, independent, domestic human rights NGOs operating in the country, including the Egyptian Organization for Human Rights, Human Rights Association for the Assistance of Prisoners, Arab Penal Reform Organization, Association for Human Rights and Legal Aid, Cairo Institute for

Human Rights Studies, Egyptian Initiative for Personal Rights, Ibn Khaldun Center, Arab Center for the Independence of the Judiciary and the Legal Profession, Arab Network for Human Rights Information, Al-Nadim Center for the Rehabilitation of Victims of Torture and Violence, Association for Freedom of Thought and Expression, and Egyptian Center for Women's Rights. Internet activists and bloggers continued to play a significant role in publicizing information about human rights abuses. Authorities generally allowed unregistered organizations to operate, but they did so in violation of the law and faced harassment, along with the prospect of government interference or closure.

The government exhibited an inconsistent approach to cooperating with human rights NGOs. Publicly, government officials asserted that they shared the NGOs' goals. However, they were selectively cooperative and responsive to NGOs' views, and many NGOs criticized government consultations with civil society as superficial and insincere. With the exception of the NGOs put on trial, the government generally allowed international human rights NGOs to operate. Human Rights Watch maintained an office in Cairo. Other organizations, such as Amnesty International, made periodic visits as part of their regional research programs and were able to work with domestic human rights groups. The Higher Elections Commission worked closely with the International Foundation for Electoral Systems during the elections.

UN and Other International Bodies: The government cooperated with the UN Development Program (UNDP) and permitted visits by representatives examining ways to help impoverished youth. The government was less open to UNDP election assistance, limiting its role to providing technical support and training monitors. The Ministry of Interior cooperated with the UN Office on Drugs and Crime in studying ways to improve the ministry's respect for human rights. It had not, however, responded authoritatively to the UN office's proposals on prison reform, modernization of the criminal justice system, and enhancement of police oversight and accountability. The Ministry of Interior controlled access to the Sinai. It restricted some international organizations seeking to assist migrants and refugees there, but provided the International Organization for Migration with access.

Government Human Rights Bodies: The NCHR monitored government abuses of human rights and submitted citizen complaints to the government, but struggled with funding deficiencies and membership controversies during the year. The NCHR issued credible fact-finding reports detailing the government's failure to

prevent and respond adequately to the Port Said soccer violence on February 2, the May 1-2 Abbasseya clashes, and the late July sectarian violence in Dahshour.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The provisional constitution prohibited discrimination against citizens on the basis of race, origin, language, religion, creed, disability, or social status. It did not prohibit discrimination based on gender, sexual orientation, or gender identity. The December 25 constitution does not explicitly define the prohibitions on discrimination, but states that “all citizens are equal before the law.” Many aspects of the law discriminate against women and religious minorities, and the government did not effectively enforce prohibitions against such discrimination. In October 2011 the SCAF issued a decree making it a crime under the penal code to discriminate on the basis of gender, origin, religion, language, religion, or creed, but it was unclear whether the government handled cases of discrimination differently following the decree.

### **Women**

The preamble of the December 25 constitution contains a reference to equal rights, stating a commitment to “equality and equal opportunity amongst all,” including male and female citizens. However, women faced discrimination and violence both in private and public. The security situation and widespread sexual harassment significantly inhibited women’s political participation and expression, although women voted in large numbers and some women played prominent roles on television and in the activist community.

Rape and Domestic Violence: The law prohibits rape, prescribing penalties of 15 to 25 years’ imprisonment or life imprisonment for cases involving armed abduction. The government did not effectively enforce the law. Police and fear of societal reprisal actively discouraged women from coming to police stations to report crimes, resulting in a very small number of cases being investigated or effectively prosecuted. Spousal rape is not illegal. According to the Ministry of Interior, approximately 20,000 cases of rape were reported each year. NGOs reported that the prevalence of rape was several times higher than the rate reported by the government. Public sexual assault, up to and including gang rape occurred, especially during political protests.

Domestic violence continued to be a significant problem. A 2011 academic survey conducted on a random sample of 1,503 households in Minya, Sohag, Cairo, and

Alexandria found that 81 percent of men believed they had the right to beat their wives and daughters. The law does not prohibit domestic violence or spousal abuse, but provisions relating to assault may be applied, with accompanying penalties. However, the law requires that an assault victim produce multiple eyewitnesses, a difficult condition for domestic abuse victims, making prosecutions extremely rare. NGOs reported that police often treated domestic violence as a social rather than criminal matter.

Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

Harmful Traditional Practices: The law does not specifically address “honor” crimes. There were no reliable statistics regarding the incidence of murders and assaults motivated by “honor,” but observers said such murders occurred during the year, particularly in rural areas.

Female Genital Mutilation/Cutting (FGM/C): Although FGM/C is illegal, the government did not effectively enforce the law. During the year some members of the dissolved People’s Assembly, such as FJP representative Azza El Garf, advocated renewed legalization of “female circumcision,” claiming that Egyptian Islamic scholars supported it as part of the prophetic traditions. NGOs vocally opposed these initiatives.

In May NGOs accused the FJP of launching a pro-FGM/C campaign in Minya. According to media reports and social networking pages, an FJP-sponsored medical caravan toured Minya distributing pro-FGM/C literature and performing procedures for free. The FJP denied that it sponsored the caravan. In June the National Council for Women announced that it would undertake an awareness campaign aimed at informing citizens about the negative health consequences of FGM/C.

Sexual Harassment: Sexual harassment remained a serious problem. Harassment of women remained endemic, with NGOs reporting an increase during the year. There is no specific law criminalizing sexual harassment, but perpetrators can be charged with the misdemeanor “public display of affection,” which women’s rights groups contended was tantamount to holding the victims equally responsible, because the term implies mutual consent. On June 9, hundreds of men assaulted participants in a demonstration against sexual harassment staged by approximately 1,000 women in Cairo’s Tahrir Square. NGOs asserted that government and civilian actors used sexual harassment intentionally as a tool of political repression,

but concrete evidence proving this motive was difficult to ascertain. Due to the criminal elements targeting them, women sometimes were unable to assemble peacefully without male protection. According to antiharassment activists, assaults on women in Tahrir Square increased during the year, but there were no official statistics because women rarely reported such incidents. The activists noted that public celebrations during Islamic holidays also witnessed a high incidence of sexual harassment. According to media reports, police arrested 573 men for sexually harassing women during Eid al-Fitr and Eid al-Adha celebrations in August and October. On September 18, several civil society organizations announced a joint initiative called “Fouda Watch” to monitor and report incidents of sexual harassment throughout the country.

Reproductive Rights: The government did not restrict citizens’ family-planning decisions, although men and women did not always have the information and means to make decisions free from discrimination, coercion, and violence. Social, cultural, and religious barriers restricted individuals’, especially women’s, rights to make reproductive decisions. The Ministry of Family and Population was dissolved in February 2011 and became part of the Ministry of Health. The Ministry of Health distributed contraceptive materials and provided personnel to attend births, postpartum care to mothers and children, and treatment for sexually transmitted diseases at no cost. According to UNICEF estimates from 2010, 79 percent of births were attended by skilled health personnel and 58 percent of women between ages 15 and 49 used a modern method of contraception. NGOs reported that government family planning information and services were not adequate to meet the needs of the entire population, particularly outside of large urban areas. For example, NGOs expressed concern over lack of access to reproductive information and services for adolescent girls in rural areas.

Discrimination: NGOs reported an increasingly challenging environment for women during the year, exacerbated by the paucity of women elected to the parliament and appointed to cabinet positions. On February 11, a SCAF decree reestablished the National Council for Women (NCW), which had been inactive since the revolution. The NCW is composed of 30 members who reflect a broad spectrum of activists and academics, including three men. Former minister of social affairs Mervat Tallawy was appointed NCW president and publicly stated that she wished to concentrate the NCW’s work on economic development and education initiatives in rural and impoverished areas.

The December 25 constitution contains a reference to equal rights, stating a commitment to “equality and equal opportunity amongst all,” including male and

female citizens, although the body of the constitution lacks an article included in previous constitutions that explicitly provides for women's rights (alongside several other groups) raising concerns among activists about marginalization of women in the public sphere. Aspects of the law and traditional practices continued to discriminate against women. Laws affecting marriage and personal status generally corresponded to an individual's religion. For example, a female Muslim citizen may not marry a non-Muslim man without risking arrest and conviction for apostasy; under the government's interpretation of Sharia, any children from such a marriage could be placed in the custody of a male Muslim guardian. "Khula" divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided she is willing to forgo all her financial rights, including alimony, dowry, and other benefits. However, Islamist members of the dissolved People's Assembly inveighed against "khula" divorce on the grounds that it contravenes Sharia. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion. A Muslim female heir receives half the amount of a male heir's inheritance, and Christian widows of Muslims have no inheritance rights. A sole Muslim female heir receives half her parents' estate, with the balance going to the siblings of the parents or to the children of the siblings if the siblings are deceased. A sole male heir--because he is expected to provide for his female relatives--inherits his parents' entire estate. A woman's testimony is equal to that of a man in courts dealing with all matters except for personal status, such as marriage and divorce, where an adult male relative or representative often will testify on a woman's behalf. In marriage and divorce cases, a woman's testimony must be judged credible to be admissible. Usually this is accomplished by having her convey her testimony through an adult male relative or representative. A man's testimony is assumed credible unless proven otherwise. According to the Global Justice Center, there were very few female judges in comparison to male judges.

The law made it difficult for women to access formal credit. While the law allows women to own property, social and religious barriers strongly discouraged women's ownership of land, a primary source of collateral in the banking system. The threat of criminal bankruptcy and fear of the conditions in prisons contributed to extremely low rates of women accessing commercial credit.

Women faced extensive discrimination in the labor force. Although the constitution approved on December 25 asserts "equality and equal opportunity amongst all" male and female citizens, it also describes the family as the basis of society and mentions a "woman's duties towards her family." Labor laws provided for equal rates of pay for equal work for men and women in the public sector,

although pay was not always equal in practice. NGOs reported that working women earned approximately 77 percent less than men. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence and other traditional and cultural attitudes and practices inhibited further gains. Women were excluded from high-level positions in large sectors of the economy controlled by the military, since women did not serve in the military and thus were not given access to these jobs. The government reported in May 2011 that women were five times more likely to be unemployed than men. More than half of female university graduates were unemployed. The Ministry of Insurance and Social Affairs operated more than 150 family counseling bureaus nationwide to provide legal and medical services to unemployed women who were unmarried or did not reside with their husband or family.

## **Children**

Birth Registration: Citizenship is derived through a combination of the principles of birth within the country's territory and from one's parents. The government attempted to register all births but faced resistance from citizens in remote and tribal areas, such as the Sinai. The government cooperated with NGOs in addressing this problem. In some cases failure to register resulted in denial of public services, particularly in urban areas where most services required presentation of a national identification card.

Education: Education is compulsory, free, and universal until the ninth grade. The law provides this benefit to stateless persons and refugees, but in practice they were often excluded from public education.

Child Abuse: An academic survey conducted in 2011 on a random sample of 1,503 households in Minya, Sohag, Cairo, and Alexandria found that 50 percent of women reported having been physically abused at a young age, with 93 percent of them suffering abuse from their parents. The survey also found that 81 percent of men believed they have the right to beat their daughters. There were no effective government institutions dedicated to addressing these subjects, although several civil society organizations were involved in assisting runaway and abandoned children.

Human Rights Watch alleged that police and military officers detained more than 300 children during the year, mostly around the scenes of protests or violent

clashes, and in some cases beat or tortured them, held them with adults, denied their rights to counsel, and did not notify their families.

Child Marriage: The legal age of marriage is 18. As a result of the economic downturn during the year, the incidence of child marriage increased slightly. During the year some prominent conservative figures argued for lowering or eliminating the minimum age. For example, on September 17, Mohamed Saad al-Azeri, a Salafi member of the Constituent Assembly tasked with drafting the new constitution, said that Sharia prohibits setting a minimum age at which a girl may be married. According to UNICEF, 17 percent of children were or had been married under the legal age. Enforcement declined in tandem with the general decline in law enforcement capacity after the January 2011 revolution. The media reported that some child marriages were temporary marriages intended to mask prostitution. Victims sometimes were encouraged by their families to marry wealthy men from the Persian Gulf in what were known locally as transactional or “summer” marriages.

Harmful Traditional Practices: FGM/C is illegal, but it remained a problem. The law criminalizes FGM/C, except in cases of medical necessity, with penalties of three months to two years in prison or a fine of approximately LE 5,000 (\$786). The government did not effectively enforce this law, and some organizations that had advocated against FGM/C were no longer active.

Sexual Exploitation of Children: The law provides specific penalties for commercial sexual exploitation of children and child pornography. The minimum age of consensual sex is 18. NGOs and local media reported that economic hardship resulted in a rise in the number of street children in Cairo and other metropolitan areas and that these children were at risk of being sexually exploited.

Displaced Children: According to the National Center for Social and Criminological Studies, there were three million street children across the country. The Ministry of Insurance and Social Affairs offered shelters for street children, but many chose not to seek refuge in them because they closed at night, forcing the children back onto the streets. Religious institutions and NGOs like the Nour al-Hayat Child Welfare Association provided services for street children, including meals, clothing, and literacy classes. The Ministry of Health offered mobile health clinics staffed by nurses and social workers.

International Child Abductions: Egypt is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For

information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

There were no reports of anti-Semitic violence directed toward Egypt's 75-100 person Jewish community. Anti-Israel sentiment was widespread and occasionally reached the level of anti-Semitism in public discourse. The state-owned and private media sometimes included anti-Semitic rhetoric, including by academics and clerics, and cartoons demonizing Jews and accusing them of seeking to subvert Egypt and Islam. There were reports of imams using anti-Semitic rhetoric in their sermons.

President Morsy was criticized in October for saying "Amen" during prayers in Mansoura after an imam stated, "Oh Allah, grant us victory over the infidels. Oh Allah, destroy the Jews and their supporters." The same month, Muslim Brotherhood Supreme Guide Mohamed Badie said in a sermon, which was also published online, "It is time for the Muslim (nation) to unite for the sake of Jerusalem and Palestine after the Jews have increased the corruption in the world, and to shed the blood of (Muslims)." He rejected negotiations and added that "Zionists only know the way of force." Former minister of international cooperation Fayza Abul Naga claimed early in the year that Freedom House, an NGO engaged in research and democracy advocacy, was "a tool of the Jewish lobby." In January government officials, political party leaders, and activists once again stopped an annual Jewish pilgrimage to the tomb of a 19th-century Jewish holy man in the Nile Delta. The Damietta governor said that police would not secure a route for pilgrims, and a Muslim Brotherhood parliamentarian, Gamal Heshmat, said that the pilgrimage would be "a suicide mission."

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law provides that all businesses designate 5 percent of their positions for persons with physical or mental disabilities, but local media and activist groups

reported that this provision was not enforced. There are no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor are there laws mandating access to buildings or transportation. Widespread discrimination continued against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-operated treatment centers for persons with disabilities, especially children, were of poor quality.

The World Health Organization estimated that there were 13 million disabled persons in the country. The Ministries of Education and Social Affairs shared responsibility for protecting the rights of persons with disabilities. The National Council for the Disabled began to advocate more frequently for the rights of persons with disabilities during the year. Persons with disabilities rode government-owned mass transit buses free of charge and received special subsidies to purchase household products, wheelchairs, and prosthetic devices. Persons with disabilities also received expeditious approval for the installation of new telephone lines and received reductions on customs duties for specially equipped private vehicles. The government also worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not explicitly criminalize consensual same-sex sexual activity, but it allows police to arrest lesbian, gay, bisexual, and transgender (LGBT) persons on charges such as “debauchery,” “prostitution,” and “violating the teachings of religion.” Antidiscrimination laws were not effectively used to protect LGBT individuals. Gay men and lesbians faced significant social stigma and discrimination in society, impeding their ability to organize or publicly advocate on behalf of the LGBT community. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

Negative societal influence resulted in self-censorship. On May 27, the country’s first online magazine for the gay community, *Ehna*, shut down after producing one issue, despite local and regional support from LGBT activists. The magazine cited security concerns as its reason for closing. On June 21, a government official speaking at the UN Human Rights Council rejected the rights of LGBT persons by

stating that the “notion of sexual orientation (was) not part of the universally recognized human rights.” In August media reports alleged that police arrested a man accused of running a “gay sex network” during a raid in el-Arish. It was unclear what charges would be used to prosecute the man.

There were few reports of violence against LGBT individuals, although intimidation and the risk of arrest greatly restricted open reporting. On October 31, according to media reports, police arrested seven men at an apartment in Cairo for “debauchery” for their roles in allegedly organizing and participating in a network that organized same-sex sexual activity. Their status was unknown at year’s end.

### **Other Societal Violence or Discrimination**

Religious minorities continued to face discrimination during the year, and there were instances of sectarian violence against Coptic Christians in particular. An April 18 fight over a speed bump between Muslim and Coptic residents of the village of Abu Qurqas in Minya Governorate resulted in the deaths of three Muslims and one Copt and the burning of dozens of Copt-owned businesses, houses, and barns. Police arrested 20 persons (12 Copts and eight Muslims) and charged them with murder and other offenses. On May 21, an emergency court sentenced all the Coptic defendants to life in prison and acquitted all the Muslim defendants. On December 25, the public prosecutor ordered a retrial and released all the Coptic prisoners. On July 26, in the village of Dahshour in Giza Governorate, a dispute at a laundry escalated into communal violence and widespread destruction of homes and business owned by Copts. Police did not intervene, instead warning Coptic residents to flee and helping to ensure their safe exit from the village. The government later formed an investigative committee to examine the causes of the violence and award compensation to victims, but it was unclear what action, if any, the committee took by year’s end (also see section 2.d.).

There were occasional incidents of mob violence and vigilantism during the year. On February 1, at a soccer game in Port Said, a mob of home team fans attacked visiting team fans, resulting in the death of approximately 75 persons. Commentators and human rights groups widely criticized local security forces stationed at the game for responding ineffectively. Authorities charged 73 persons, including nine police officials, with involvement in the violence. The case continued at year’s end.

On July 1, three men fatally stabbed Ahmed Said, who had been sitting on a park bench with his fiancée in Suez. The men objected to Said being with the woman in public without a male family member present. Police arrested the three men and charged them with murder, and on September 15, a court convicted them and sentenced them to 15 years in prison.

HIV-positive individuals faced significant social stigma and discrimination in society and the workplace. The National AIDS Program in the Ministry of Health conducted public awareness campaigns to educate the public on HIV prevention and transmission.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of workers to form and join independent unions, the right to strike, and collective bargaining, with significant restrictions.

Important elements of the legal framework for worker rights were unclear or contradictory, although the December 25 constitution appeared to provide for freedom of association. In the absence of implementing legislation to reverse pre-2011 labor laws, however, worker rights in practice remained unclear.

In March 2011 the minister of manpower and migration issued a declaration recognizing complete freedom of association. The decree declared the Trade Union Act of 1976 in conflict with the country's International Labour Organization (ILO) commitments and thus void. Subsequent ministers continued to recognize the March 2011 declaration. Although the Trade Union Act of 1976 remained on the books, the government no longer recognized nor enforced its provisions restricting freedom of association, most significantly a requirement that all unions belong to the previously government-controlled Egyptian Trade Union Federation (ETUF), which had also been the country's only trade union federation. Articles 52 and 53 of the December 25 constitution protect the right to form trade unions. There is not yet legislation to implement the guarantees of the new constitution, and the existing trade union law contradicts both the constitution and the March 2011 declaration.

Unlike the previous constitution, the December 25 constitution protects the right to "peaceful" strikes, but it remained unclear how this would be regulated in practice. The Unified Labor Law of 2003 permits peaceful strikes but imposes significant

restrictions for strikes to be considered legal, including prior approval by a general trade union affiliated with the ETUF. A March 2011 decree by the SCAF criminalizing strikes, protests, demonstrations, and sit-ins that disrupt private or state-owned businesses or impede the economy remained in effect, although some of its provisions expired on May 31 with the end of the state of emergency.

The law provides for collective bargaining but imposes significant restrictions in that the government sets wages and benefits for all public sector and government employees. The law does not provide for enterprise-level collective bargaining in the private sector; it requires centralized tripartite negotiations with workers represented by an ETUF-affiliated union and the Ministry of Manpower overseeing and monitoring collective negotiations and agreements. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activity. Labor laws do not cover agricultural and domestic workers.

Government enforcement of applicable laws was inconsistent, reflecting in part the rapidly evolving legal environment and continuing political transition. It was unclear how new constitutional provisions would affect worker rights. While the government rarely enforced the decree criminalizing most strikes and allowed hundreds of new unions to register, it also occasionally used its powers to arrest striking workers. The government rarely reversed arbitrary dismissals. In practice the requirement for tripartite negotiations in collective disputes seldom was followed, and workers negotiated directly with employers.

When the government did become involved, it most often was for dispute resolution rather than for genuine collective bargaining. Nonetheless, the Manpower Ministry reported receiving 15,000 individual and group complaints from workers during the year, and it claimed to have resolved 80 percent of individual complaints and 90 percent of group disputes through collective negotiations between workers and management, with the remainder referred to courts.

The government took steps to address the continued high rate of strikes and other worker protests during the year. Among the large scale strikes during the year were several public sector strikes, including public school teachers, university workers, doctors and medical employees, transportation workers, and state-owned spinning and weaving factory employees. Workers in ministries also frequently took part in strikes, including 1,200 Manpower Ministry staff in May. In August the Manpower Ministry established a “strike observatory” under the Collective Bargaining Department to better track worker actions and demands across the

nation. In August the minister of trade and foreign investment announced a joint committee with the Ministries of Interior and Manpower, as well as ETUF representatives, to find “constructive compromises” to end strikes “within ETUF guidelines.” No additional information was available on the contents of these guidelines.

Workers’ ability to exercise freedom of association and the right to collective bargaining improved over previous years, although significant problems remained. Workers were able to organize and register new labor unions without difficulty. According to the Labor Ministry, as of July a total of 1,428 new trade unions had registered since the March 2011 decree. The ministry registered another 178 unions in the second half of the year after President Morsy took office. There were no reports of unions applying for registration being rejected or unduly delayed. New worker organizations were generally independent of the government and political parties. Two independent trade union federations--the Egyptian Federation of Independent Trade Unions and the Egyptian Democratic Labor Congress (EDLC)--operated alongside previously state-controlled ETUF.

While no longer directly controlled by the state, the ETUF was seen as vulnerable to government interference. In December President Morsy issued a decree extending the term of the ETUF board for six months or until the passage of a Freedom of Association Law, whichever occurred first. The decree also gives the manpower minister the authority to replace ETUF board members over retirement age and to fill board posts left open for other reasons. The ETUF did receive some advantages from the state. The government halted direct financial support for the ETUF in mid-2011 but continued to permit it to automatically deduct dues from workers’ salaries, reportedly also from workers who had resigned their membership. New unions were unable to do so and had to collect dues from members individually. The government also continued to grant the ETUF proportionately larger representation at the annual International Labour Conference compared with independent federations. ETUF officials continued to fight independent trade unions’ legal rights to represent workers and attacked independent trade unionists in the media and courts. It remained difficult or impossible for workers to disassociate themselves from the formerly state-affiliated ETUF unions, which continued to control worker certifications as well as retirement, medical, and social security benefits for as many as 3.5 million workers.

During the year workers increasingly turned to extralegal means and violence to press their demands. Workers frequently staged sit-ins on government and private

property. During a Ceramica Cleopatra Company strike in March, approximately 1,000 workers took then manpower minister Fathi Fekri “hostage” in his office in Cairo before reaching an agreement. Demonstrators also briefly held eight Italian and two Spanish consultants at a Cleopatra factory. On September 20, dozens of workers from the Qouta Iron and Steel Company broke into the Court of Cassation in downtown Cairo, preventing judges and staff from entering the facility until security forces responded.

On a number of occasions, clashes erupted between protesting workers from companies such as Sun Egypt and Egyptian Petroleum Services Co. and security forces outside the presidential palace in Cairo.

Authorities also increasingly used force to disperse violent as well as peaceful strikes and sit-ins. On March 7, military police arrested over 100 Sumid Arab Petroleum Pipeline Factory workers after a two-hour strike. Security forces reportedly beat five men accused of “disrupting navigation in the Suez Canal” and “insulting the armed forces” and detained them for more than 40 days. On September 23, police forcibly dispersed a sit-in by workers at Zagazig University, after which they raided the homes of seven employees and arrested three pending further investigation. On September 17, CSF members surrounded bus garages in Imbaba and Al Mezallat, two of 28 facilities staging a strike; they used force to enter the Al Mezallat garage and arrest a strike leader. Security forces used force to disperse striking teachers outside the governorate headquarters in Dakahlia on October 1, also arresting five persons.

Antiunion discrimination was common, and authorities sometimes charged workers with crimes for union activities.

An increasing number of labor organizers were subject to arrest or other legal sanctions, including after the expiration of the state of emergency on May 31, which negated part of the 2011 antistrike law. For example, on September 23, the Alexandria Misdemeanor Court sentenced five independent trade unionists from the Alexandria Containers Company to three years in prison for “preventing workers from undertaking their duties, inciting strikes, and damage to public funds.” The same day the public prosecutor ordered the arrest of the head of the Railway Workers Union in Qena Governorate after the Railway Authority filed a complaint accusing the employee of “inciting strikes and slowing the pace of work.” On September 17, police arrested Tarek Al Beheiry, spokesperson for an independent union at the Cairo Public Transportation Authority; the authority

accused him and three other workers of organizing a strike and rewarded nonstriking workers with 10 days' extra pay.

Antiunion discrimination occurred particularly against organizers of new independent unions. In the private sector, some employers asserted they were not legally obligated to recognize new unions; given the March 2011 decree was not codified into law, some employers claimed the Trade Union Act (granting a monopoly to the ETUF) still applied. This stance, which was supported by the ETUF, undermined independent unions' ability to represent members.

Employers frequently refused to bargain unless strike action necessitated government intervention. An increasing number of labor organizers also were subject to harassment and arbitrary dismissal, according to independent labor unions, NGOs, and media reports. Al Sokkary Gold Mine fired 12 workers on September 23, seven of whom belonged to a new independent union; this violated an agreement brokered in June by the Manpower Ministry. On September 19, the Upper Egypt Transportation and Tourism Company fired three independent unionists after accusing them of "visiting company branches to incite workers to strike;" the workers claimed they were traveling to establish facility-level worker organizations. In mid-September, dozens of teachers in Sharkia, Cairo, and Minya were referred to administrative investigation, according to a leading labor NGO. On August 15, the Cadbury Chocolate Company suspended five independent trade union leaders and filed a report with the public prosecutor accusing them of "inciting strikes." Prosecutors referred the accused to trial.

On February 26, a misdemeanor court in Helwan sentenced EDLC founder and labor NGO leader Kamal Abbas in absentia to six months in prison for "insulting an official figure" (then ETUF president Ismail Fahmy) during an ILO meeting in Geneva in June 2011. In December the court found Abbas not guilty on appeal.

### **b. Prohibition of Forced or Compulsory Labor**

The 1971 constitution, the December 25 constitution, and the law prohibited forced or compulsory labor. Prosecution of perpetrators remained weak, although there were at least three convictions for forced labor during the year. Some workers were subjected to conditions indicative of forced labor, most often migrant workers and children. Some female workers in domestic service were held in conditions indicative of forced labor.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The Child Law sets the minimum age for regular employment at 15, and at age 12 for seasonal employment. The labor code bars children under age 18 from 44 specific hazardous occupations, while the Child Law prohibits employment of children (all under 18) from any work that “puts the health, safety, or morals of the child into danger.” Provincial governors, with the approval of the minister of education, may authorize seasonal work (often agricultural) for children who are 12 or older, provided that duties are not hazardous and do not interfere with schooling. The labor code and Child Law limit working children's hours and mandate breaks. The labor code explicitly excludes domestic work, work in family businesses, and children working in noncommercial agriculture from minimum age and other restrictions.

The December 25 constitution prohibits labor by children under the age limit for compulsory education (usually 13 or 14) and in hazardous jobs deemed inappropriate for children. Some observers claimed this represented a violation of international standards on child labor; however, it was unclear how this provision would be implemented in practice.

Overall, authorities did not enforce child labor laws effectively. The Ministry of Manpower, in coordination with the National Council for Childhood and Motherhood (NCCM) and the Ministry of Interior, enforced child labor laws in state-owned enterprises and private sector establishments through inspections and supervision of factory management. Labor inspectors generally operated without specific training on child labor issues. The government did not inspect noncommercial farms for child labor, and there were very limited monitoring and enforcement mechanisms for children in domestic service. When offenders were prosecuted, the fines imposed were often as low as LE 500 (\$79) and thus had questionable deterrent effect. The government did not enforce child labor laws in the informal sector.

During the year the Manpower Ministry reported conducting approximately 9,000 inspections, involving 12,000 enterprises, specifically for child labor. Unlike other violations, child labor cases were reportedly not issued warnings and instead fined and/or referred to the public prosecutor. The Manpower Ministry reported

executing 300 awareness campaigns aimed at preventing child labor during the year but did not provide specifics.

Although relevant laws were often not effectively enforced, the government continued to implement a number of social, educational, and poverty reduction programs to reduce children's vulnerability to exploitive labor. The NCCM, working with the ministries of education and social services, sought to provide working children with social security safeguards and to reduce school dropout rates by providing families with alternative sources of income.

Child labor occurred in practice. In July 2011 the government estimated that 1.6 million children, just under 10 percent of the total child population, were engaged in labor. Other estimates ranged up to three million. The majority of child labor occurred in agriculture and domestic work. Children also worked in light industry, on construction sites, and in service businesses such as auto repair shops. According to government, NGO, and media reports, the number of street children in Cairo increased with deteriorating economic conditions following the 2011 revolution; such children were at greater risk of sexual exploitation or forced begging. In some cases employers abused, overworked, and generally endangered working children.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

In 2011 the National Council of Wages established a LE 700 (\$110) monthly minimum wage for public sector workers. The minimum wage applied only to direct government employees and included benefits and bonuses in calculating total salaries. Most government workers, by this calculation, already earned more than the minimum wage. The government initiated a 15 percent wage increase designed to lift those below the threshold above the LE 700 (\$110) level, and began to implement the increase in July. There was no private sector minimum wage. The poverty line was LE 256 (\$40) per person per month, and "extreme poverty" was defined as less than LE 172 (\$27) per month. The law does not require equal pay for equal work.

The law stipulates a maximum 48-hour workweek for the public and private sectors and provides for premium pay for overtime and work on rest days and national holidays. The labor law prohibits excessive compulsory overtime. The

government sets worker health and safety standards, for example prohibiting employers from maintaining hazardous working conditions.

The law excludes agricultural and fisheries workers, as well as domestic workers, from regulations concerning wages, hours, and working conditions.

The Manpower Ministry was responsible for enforcement of labor laws and working conditions standards. Due in part to inadequate resources, labor law enforcement and inspections were inadequate. The Manpower Ministry did not attempt to apply labor standards to the informal sector. Penalties, especially as they were often unenforced, did not appear sufficient to deter violations.

The government provided services, such as free health care, to all citizens, including those in the informal sector, but the quality of services was often poor. Other services, such as social insurance, were available only to employees in the formal sector.

Many persons throughout the country faced poor working conditions, especially in the informal economy, which employed up to 40 percent of workers. Domestic workers, agricultural workers, workers in rock quarries, and other parts of the informal sector were most likely to be subject to hazardous or exploitive conditions. There were reports of employer abuse of citizen and undocumented foreign workers, especially domestic workers. Little information was available on workplace fatalities and accidents.