

Egypt

Egypt's human rights record showed little improvement during 2004. The government set up a National Council for Human Rights and appointed several respected independent activists to its board, but serious issues like routine torture of persons in detention and suppression of non-violent political dissent remain unaddressed. Emergency rule continues, providing the basis for arbitrary detention and trials before military and state security courts. Victims of torture and ill-treatment include not just political dissenters but also persons detained in ordinary criminal inquiries, men suspected of engaging in consensual homosexual conduct, and street children. Nongovernmental organizations are subjected to stringent controls under the new law on associations, and the authorities arbitrarily reject the applications of several organizations to register as NGOs, as required by the law. Women and girls face systematic discrimination under personal status and other laws, and violence directed at women and girls frequently goes unpunished.

Emergency Rule

In February 2003, the government extended twenty-two years of continuous emergency rule for another three years. The Emergency Law, Law No. 162 of 1958, allows arbitrary arrest and indefinite detention without trial, and creates an atmosphere of impunity in which torture and ill-treatment flourish. The government has used the emergency rule to criminalize political dissent at will, and to refer civilian defendants to military courts or to exceptional state security courts in which trials do not meet international fair trial standards. Some seven hundred alleged Islamist militants who had never been tried or convicted of a crime were reportedly released during 2004. The Cairo-based Human Rights Association for Assistance to Prisoners in early 2004 estimated that the total number of persons then detained without charge for prolonged periods was around fifteen thousand. The group released a list of sixty-five attorneys who have been held without charge or trial under the provisions of the emergency law, some for as long as sixteen years.

Torture

Security forces and police routinely torture and mistreat detainees, particularly during interrogations. Torture in the past was used primarily against political dissidents, especially Islamists, but in recent years it has become rife in ordinary police stations as well, affecting citizens who find themselves in custody as suspects or in connection with criminal investigations. Torture and ill-treatment are known or suspected to be the cause of at least seventeen deaths in detention in 2002 and 2003, including at least three cases at the hands of the State Security Investigations (SSI) branch of the Ministry of Interior, and additional cases of deaths in detention were reported in 2004. Ministry of Interior officials confirmed to Human Rights Watch in February 2004 that there had not been a single criminal investigation of SSI officials for

torture or ill-treatment in the past eighteen years, and no internal disciplinary measures were imposed, despite numerous credible allegations of serious abuse.

Restrictions on Freedom of Association

Egypt's new law governing associations, Law 84 (2002), severely compromises the right to freedom of association, giving the government unwarranted control over the governance and operations of NGOs. The law, which took effect in June 2003, provides criminal penalties for "unauthorized" activities, including "engaging in political or union activities, reserved for political parties and syndicates" (Article 11). The law also provides for up to six months in prison for receiving donations on behalf of an NGO without prior ministry approval. Persons carrying out NGO activities prior to the organization's formal registration are liable to a three-month prison term.

NGOs whose applications for registration were initially rejected include the New Woman Research Center, which raises public awareness of women's rights issues, including female genital mutilation and domestic violence, and the Land Center for Human Rights, which works on economic and social rights issues in rural areas. The authorities in both cases said that security agencies did not approve the applications. The government rejected the application of the Egyptian Association Against Torture because it listed among its goals "to change Egyptian legislation in accordance with human rights conventions." The Ministry of Social Affairs wrote that civil associations had no legal right to be "concerned with legislation" and that such activities were unconstitutional.

Egypt also maintains strict controls over political associations. The official Political Parties Affairs Committee, composed almost entirely of government officials and currently headed by the chairman of the ruling National Democratic Party, routinely rejects applications to form new political parties, based on broadly worded criteria such as whether the party's program "constitutes an addition to public life." On October 27, 2004, the committee, for only the third time since 1977, approved a new party. Al Ghad (Tomorrow) is headed by independent member of parliament Ayman Nur. The committee however continued to reject other applications.

Arrests and Torture of Men for Consensual Homosexual Conduct

Since early 2001, the Cairo vice squad has spearheaded a campaign of entrapment and harassment that has resulted in the arrest, prosecution, and conviction of hundreds of men alleged to have had sex with other men. Officials claim that they are targeting promiscuity and prostitution ("debauchery"), but the authorities routinely raid private apartments, wiretap phones, and employ extensive surveillance of and entrapment via the Internet to round up individuals whose only offense is their alleged homosexual conduct. Many of those detained endure routine torture and ill-treatment at the hands of security officials. Doctors participate in torturing these detainees under the guise of collecting forensic evidence to support the charge of "habitual debauchery."

III-treatment of Street Children

The government periodically conducts mass arrest campaigns of street children. Typically, the children are homeless, beggars, or truants from school but have committed no crime. In custody, they often face beatings, sexual abuse, and extortion by police and adult suspects, and police routinely deny them access to food, bedding, and medical care. The authorities do not routinely monitor conditions of detention for children, investigate cases of arbitrary arrest or abuse in custody, or appropriately discipline those responsible. In many cases, children are detained illegally for days before going before the public prosecutor on charges of being “vulnerable to delinquency.” Police often do not notify parents about arrests, and children who have fled parental abuse or who lack guardians have no recourse for assistance.

Women’s Rights

Egypt’s family and nationality laws have seen some reforms in recent years. However, additional steps are required to amend laws that discriminate against women and girls, to prosecute gender-based violence, and to grant women and girls full and equal citizenship rights. Discriminatory personal status laws governing marriage, divorce, custody, and inheritance have institutionalized the second class status of women in the private realm and undermined their legal standing. Discriminatory divorce laws and policies, for instance, undermine the ability of many women, including those in abusive relationships, from ever attempting to seek a divorce and leave others languishing in legal limbo for years. The penal code does not effectively deter or punish domestic violence, and police are routinely unsympathetic to the concerns of battered women and girls. Current governmental policy also denies women the opportunity to become judges. This exclusion of women from the judiciary is not codified in law but is a matter of practice that violates Egypt’s constitution and its international obligations not to discriminate on the basis of gender.

Religious Intolerance and Discrimination against Religious Minorities

Although Egypt’s constitution provides for equal rights without regard to religion, discrimination against Egyptian Christians and intolerance of Baha’is and minority or unorthodox Muslim sects remains a problem. Egyptian law recognizes conversions to Islam but not from Islam to other religions. There are credible reports that Muslims who convert to Christianity sometimes face harassment. Difficulties in getting new identity papers have resulted in the arrest of converts to Christianity for allegedly forging such documents. Baha’i institutions and community activities are prohibited by law. The authorities have detained and prosecuted individuals adhering to or promoting non-orthodox Islamic sects on grounds of insulting one of the “heavenly religions”—Islam, Christianity, and Judaism.

Key International Actors

The United States has long been Egypt’s largest provider of foreign military and economic assistance, amounting to \$1.3 billion in military aid and \$600 million in economic assistance in Fiscal Year 2004. Egypt hosts the bi-annual Bright Star multilateral military exercises with U.S. forces, the largest military exercise in the region. The U.S. considers Egypt to be “an active partner in the global war against terror”: Deputy Assistant Secretary of State David Satterfield told a Congressional committee in June 2004 that

the two governments “cooperate closely on a broad range of counter-terrorism and law enforcement issue.”

The Association Agreement between Egypt and the European Union, signed in June 2001, came into force on June 1, 2004. Although the agreement is premised on “respect for human rights and democratic principles,” Egypt’s serious human rights problems do not seem to have affected its operation. The E.U. is Egypt’s biggest trading partner, currently taking 40 percent of its exports and providing 34 percent of its imports.