

ARAB CITIZENSHIP REVIEW N. 1



DEMOCRACY AND CITIZENSHIP IN NORTH
AFRICA AFTER THE ARAB AWAKENING:
CHALLENGES FOR EU AND US FOREIGN POLICY
(EUSPRING)

August 2013

ARAB CITIZENSHIP REVIEW No.1

EGYPT

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This series of policy briefs provides a regular update of debates concerning key rights issues in three Arab states, Morocco, Egypt and Tunisia. In a first round of briefs on the three countries, we provide background on these debates since the beginning of the Arab spring.

Note: This brief went to press just as the military deposed president Morsi.

This project is supported by Compagnia di San Paolo



INTRODUCTION

The prospect of broadening the scope of citizenship rights in the new emerging political regime was high after the end of Mubarak's reign. The systematic abuse of rights under Mubarak was among the major factors leading to the massive popular revolt in January 2011. However, the political transition in Egypt has not yet led to a significant expansion of citizenship rights. Although the respect for political rights was tentatively improved after the revolution, this improvement was fragile and it has become subjected to regression under the rule of the Muslim Brotherhood. The restrictions on the rights of women and the rights of religious minorities have persisted.

The management of the transitional period under the Supreme Council of the Armed Forces (SCAF) and then the Muslim Brotherhood has circumscribed the evolution of citizenship rights in the post-revolutionary Egypt. Islamist parties embrace a restrictive understanding of citizenship. They have dominated the ballot box so far but an increasing level of popular dissatisfaction on the performance of President Morsi and his government is obvious. Many liberal and leftists parties, particularly those established in the post-revolutionary era, have struggled to expand scope of citizenship rights but they lacked the organisational and social strengths to redirect the transition. However, the popular struggle for rights has risen over the past two years and a half and the influence of non-Islamist forces is on the ascendant. The political dynamics and struggle underway in Egypt will determine the evolution of citizenship rights in the future but there are also other cultural, economic and institutional challenges that make the expansion of citizenship rights highly contested.

WHAT HAS CHANGED AND WHAT HAS NOT CHANGED FOR CITIZENSHIP RIGHTS

Electoral Rights

The right of Egyptians to choose their political representatives in a fair and competitive election has expanded after the revolution. According to domestic and international NGOs, the 2011

referendum on the constitutional amendments, the 2011 parliamentary elections, and the 2012 presidential election were the most competitive and fair processes in Egypt's history. However, certain practices still distort the voting process such as the intensive use of inflammatory religious slogans, voters' bribes, and the failure of electoral commissions to monitor candidates' compliance with the financial ceiling of campaigns. Moreover, local and international NGOs face difficulties in fully observing the electoral process. The integrity of voting process was, however, put in jeopardy during the referendum on the 2012 Constitution conducted under President Morsi. Credible Egyptian human rights NGOs observed grave irregularities in the referendum and called upon the Supreme Election Commission to restage the vote. Without these irregularities, the percentage of those who voted against the Constitution might have increased. Moreover, the current political and legal environment casts doubt over the competitiveness and fairness of the upcoming parliamentary elections. The Muslim Brotherhood has been able to firmly control state institutions including local administration. It has reportedly used public subsidies to strengthen its constituencies in many districts. Moreover, the distribution of districts in the new electoral law adopted by President Morsi maximizes the benefits to the Muslim Brotherhood. As a reaction to the limitations of the ongoing political process, the National Salvation Front, a coalition of the key opposition parties, was founded in November 2012 to protest of the Muslim Brotherhood's policies, announced its boycott of parliamentary election unless President Morsi takes serious measures to ensure the fairness of the electoral process.

Freedom of Expression

The role of private, conventional and new media in debating critical issues has flourished in post-revolutionary Egypt but threats against journalists and freedom of expression have persisted. The definition of the scope of freedom of expression and its relation to religion and morality is problematic in Islamist agendas. President Morsi and his government have taken tough stances against critical media in recent months. An increasing number of lawsuits have been filed against journalists on charges of defaming the president and the Muslim Brotherhood. Instead of working to reconstruct the ownership of the state-owned media as promised in its platform, the Muslim Brotherhood has used its political power inter alia to control the appointment of the leaders of public newspapers. Trials for persons, including non-Muslims, charged with blasphemy against Islam have increased over the last four months. Some of the accused persons received prison

sentences.

The new Constitution includes an article that prohibits the defamation of all prophets and messengers of God. Liberals and human rights defenders rejected this article, fearing that it would restrict freedom of expression and religious freedom. Liberal and leftist parties have been vocal about media freedoms but they have paid less attention to the blasphemy trials.

Freedom of Association

Freedom of association for political parties has progressed after the revolution but other aspects of freedom of association are still restricted. The SCAF adopted a new Political Parties Law under which dozens of new political parties were founded. Although the law prohibits political parties established on discriminatory grounds, it allows political parties with an Islamic reference. All political parties must recognize the supreme reference of Islamic *Shari'a*.

NGOs are still under siege. Throughout the transitional period, human rights NGOs have been targeted by a smear campaign orchestrated by the SCAF against their activities and external funding. The Muslim Brotherhood recently drafted a new association law. While the declared objective of this draft is to liberate NGOs, it basically targets local and international human rights NGOs and undermines their abilities to receive foreign funding. Islamists treat human rights defenders suspiciously and consider them potential rivals for their ideological worldview. Although both Islamists and human rights defenders were cooperating together in their struggle against repressive policies under Mubarak regime, since it came to power, the Muslim Brotherhood is now aware of the challenge posed by local and international human rights NGOs to its policies. For most Egyptian human rights NGOs who fully depend on foreign funding, this law would curb their influence. The National Salvation Front has recently joined the fears of human rights NGOs and rejected the draft law. However, one could not assume that all liberal and leftist parties promote the right of NGOs to freely receive foreign funding. For instance, *Al-Wafd* Party supported the campaign led by the SCAF in 2011 against international and local human rights NGOs.

The restrictive legal framework of trade unions has not been changed. President Morsi has not taken up the increasing demands of labour activists and human rights NGOs to pass a new

democratic law for trade unions. On the contrary, the government consolidated this restrictive legal framework to ensure its control over trade unions and to contain increasing labour protests against the government's unpopular economic and social policies.

Women's Rights

The expansion of the rights of women has been blocked in Egypt for decades. Under Mubarak, limited reforms were adopted to improve the status of women in the family and the public domain. After the revolution, this limited progress has sometimes seemed to be jeopardy. The political participation of women in post-revolution elections and constitution making was very modest. The parliamentary quota that was provided for women since 2010 was removed. In general Islamist parties do not believe in the concept of gender equality as stipulated in international human rights treaties. Members and leaders of the Muslim Brotherhood argue that international women's rights corrupt Islamic social values and morals. Instead, Islamists advocate the concept of 'complementary' roles for men and women. This means in reality that not all the rights enjoyed by men are to be provided to women. This understanding influences the discriminatory positions held by many Islamists on marriage, divorce and the political rights of women. New liberal and leftist parties such as the Egyptian Social Democratic Party, the Free Egyptians Party, the Socialist Popular Party, and the Constitution Party incorporate explicit commitments to the promotion of gender equality and women's rights in their platforms. On the contrary, the liberal *Al-Wafd* party has adopted a restrictive understanding of women's rights.

The protection of gender equality and the rights of women is overlooked in the new Egyptian Constitution. The Constitution endorses a patriarchal view of gender relations in society. It also reinforces conservative interpretations of Islamic *Shari'a*. Women are mentioned in the Constitution as mothers and sisters but not as citizens that enjoy full equality status with men. Article 33 states that 'all citizens are equal before the law. They have equal public rights and duties without discrimination'. However, the reference to the prohibition of discrimination based on sex, religion, ethnicity and any other forms were omitted in the last version of the Constitution, leaving the Constitution without an explicit provision of gender equality. Article 10 opens the door for discriminatory policies against women in the family and workplaces. This Article vaguely entrusts the state and society with maintaining the authentic character of the Egyptian family and ensuring

its moral and religious values. According to the same article, the state guarantees that a woman can reconcile her duties towards her family with her participation in public life.

The Rights of Religious Minorities

The rights of religious minorities have not improved after the revolution. The intolerant religious climate aggravated by Islamists' political dominance has deepened the fears of non-Muslims. Egypt witnessed a series of sectarian clashes over the past year, without tackling the root causes of the injustice felt by religious minorities. By dealing with the sectarian clashes as a security issue rather than addressing the legitimate rights of Christians to equality and non-discrimination, the Muslim Brotherhood and President Morsi have repeated the mistakes of the outgoing regime.

The rights of religious minorities are defined according to the supreme authority of Islam in the state. In their platforms, Islamists point out that religious freedom is guaranteed for the recognized monotheistic religions (that is, Christians and Jews, also often referred to as the 'people of the book'). The appointment of non-Muslims and women to senior political positions is contentious for Islamists in Egypt. In his electoral campaign, President Morsi vowed to appoint a Christian and a woman as vice presidents. Salafists opposed this proposal, considering that the position of vice president, similar to the president, should only be occupied by a Muslim male. President Morsi gave in to the pressure and changed his mind. He appointed a woman and a Christian as presidential assistants and named a prominent male judge as his deputy.

The rights of religious minorities under the Egyptian Constitution are in peril. The Constitution guarantees religious freedom only to monotheistic religions. This means that other religious minorities such as Baha'is will continue to be deprived of their religious rights. The new liberal and leftists parties have demonstrated more sensitivity towards the rights of religious minorities and religious freedom. This was apparent in their advocacy against the Constitution. However, the program of *Al-Wafd* party ensures religious freedom only for Abrahamic religion, a position similar to Islamists.

WHO IS PUSHING FOR/OBSTRUCTING CHANGE

The political structure of the transitional period blocked the emergence of a new discourse on citizenship in Egypt. Respect for citizenship rights was apparently amongst the major aspirations of protesters in Tahrir Square since 2011. However, a lack of agreement on the substance of citizenship rights among political forces has certainly constrained the evolution of citizenship in post-revolutionary Egypt. The SCAF, acting as the engineer of the transitional period, opted for transitional policies which complicated instead of facilitating the transition towards democracy and escalated polarization between Islamists and liberals. Islamist parties were eager during the transition to strengthen their grip on power and to serve their own Islamist political project rather than working with other revolutionary forces towards the consolidation of democracy and citizenship.

While liberal and leftist parties have advocated a more expanded understanding of citizenship, their own organizational defects have so far prevented them from redrawing the transition in Egypt. However, the growing impact of non-Islamist political currents in the political scene cannot be overlooked. After the revolution, new liberal and leftist parties were established. The role of a new young generation of political activists has also increased. Liberals failed to unite behind a transitional plan after the fall of Mubarak but over the last year old and new liberal parties have engaged in joint coalitions to challenge the increasing dangers on democracy and rule of law under the rule of the Muslim Brotherhood. In this sense, the creation of the National Salvation Front (NSF) in November 2012 represented a turning point for Egypt's civil opposition. The NSF is currently the main umbrella for Egyptian liberal and leftist opposition parties. Its members range from old parties such as the liberal *Al-Wafd* and the leftist *Al-Tajamu* to newly founded liberal and leftist parties such as the Egyptian Social Democratic Party, Free Egyptians Party, the Socialist Popular Alliance and the Constitution Party. Although Islamists still dominate the ballot box, the political and social representation of non-Islamist opposition is on the ascendant. Liberals' success is not secured yet given their internal divisions and organizational deficit. Remnants of the Mubarak regime continue to enjoy a solid social base but current prospects for a political alliance between them and other revolutionary forces are low. The lack of trust between the two camps continues to divide the non-Islamist opposition.

The stances of liberal forces towards citizenship rights are more advanced than Islamist parties. Many of liberal parties constructively cooperated with human rights NGOs. They were vocal about citizenship rights during the constitution-making process. However, the limited organizational capacity of liberals and their fragmentation have weakened their political influence. There is an ongoing effort now among liberals since the establishment of the National Salvation Front to rectify their own problems. But while many of the liberal and leftist parties established after the revolution endorse an expanded version of citizenship rights, there are still some liberal forces who share many of the conservative views expressed by Islamists.

Moreover, any government, even if it embraced a liberal approach to citizenship, would be confronted with certain challenges that could limit its ability to expand the application of citizenship rights in Egypt. The social and cultural reality might not be ready for the expansion of certain rights such as the rights of women, religious freedom, personal rights and the rights of religious minorities. The strong political influence of the military establishment constrains the political and economic choices of the ruling elite. Reform can only be realized through an inclusive political process and a wide political and popular support for the government.

CONCLUSIONS

The awareness of citizenship and the struggle for rights have been given a new impulse over the past two and a half years. More Egyptians believe that certain abuses of rights should not be tolerated after the revolution. This explains the continuing protest against the SCAF and then the Muslim Brotherhood over the past two years as a reaction to rights abuses. Even those rights containing content that is strongly shaped by religious and cultural traditions, such as the rights of women and religious freedom, have found growing supporters. The societal awareness of rights has significantly enlarged over the last decade. The emergence of private printed and broadcasting media and the increasing use of the Internet provided unprecedented spaces for political and social deliberations never known in Egypt since 1952. Human rights activism has grown during the same period. This activism has wielded its influence through the media and international advocacy. The human rights movement conjoined with the new political and social movements emerging in Egypt since 2003 on much of the rights agenda. The language of rights became common in the

discourse of most political actors including the Muslim Brotherhood. But 'rights' attracted conflicting interpretations and served different political purposes. These dynamics set the context for the 2011 revolution and shaped its new political and social forces. However, these forces were not yet prepared to efficiently engage in organized political actions.