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## Human Rights in Egypt: five years after the revolution

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## Commentary

### Human Rights in Egypt: five years after the revolution

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Egypt recently marked its fifth anniversary since the revolution that toppled former President Hosni Mubarak. The common chants of the hundreds of thousands of protesters during the 25 January 2011 uprisings included demands for increased freedoms and social justice, striking at the heart of Mubarak's police state that was known for its arbitrary detentions, torture, and other systematic police abuses. Indeed, it was just a few months prior to the revolution that Khaled Saeed, a young man from Alexandria, was beaten to death by police outside an Internet cafe, sparking a social media campaign and mass protests when his post-mortem photographs went viral. The slogans of the revolution based on a language of rights did not appear overnight, nor are they just a product of the death of Khaled Saeed, but are both a reflection of the lived-experiences of Egyptians under authoritarianism and the ongoing work of local human rights movements framing injustice and violation in the legal language of rights—be they civil, political, social or economic.

#### *The development of human rights movements*

Human rights activism in Egypt has its roots in the 1967 Egyptian defeat by Israel that sparked critiques of the political and social factors that allowed for this momentous loss. The heightened political environment following these experiences led to an increase in revolutionary and oppositional movements, particularly on university campuses. Many of the more leftist-leaning movements advocating greater political and also economic freedoms were later repressed following the 'bread riots' of 1977 where former President Anwar Sadat removed subsidies on basic commodities including bread; the crackdown silenced much leftist student activism at the time (Pratt 2015). During Mubarak's time in power, human rights groups began to form a coalition of NGOs in the 1980s especially aimed at exposing human rights abuses at the hands of the security apparatus, including the Interior Ministry. These groups sought to provide a counter-narrative to the common discourse of the Mubarak regime that aimed to keep issues of abuse and accountability hidden (Morayef 2015). Notable human rights organisations, such as the Egypt Organisation for Human Rights (EOHR) and the Cairo Institute for Human Rights Studies (CIHRS), work within the framework of international human rights law with the aim of applying this global mandate to the local Egyptian cultural context. Whilst human rights organisations have especially focused on the domain of political rights and freedoms, there has been an increased discourse concerning social and economic rights before the revolution. The Egyptian Centre for Economic and Social Rights, for example, formed in 2009 to fill a gap within Egyptian NGOs that previously tended to focus more on political issues.

Heba Morayef (2015) has explained that under Mubarak, human rights groups were allowed to exist within a grey zone, outside the law, in which they were afforded a small space to highlight abuses, whilst simultaneously remaining vulnerable to cyclical raids and closures

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by security forces. It has been in the regime's interest to give the impression, especially for a Western audience preoccupied with issues of democratisation that space exists for opposition voices promoting human rights and political freedoms. However, the regime has simultaneously used the Egyptian media as a means to delegitimise human rights movements, framing them as foreign (often Western) infiltrators. This has left these movements in a precarious position: often unable to secure local funding because of the accusations of alignment with the financial and political interests of the West, but cautious to be the recipients of certain types of foreign funding for this very reason. As a result, the Egyptian public has often questioned the intentions of human rights organisations, seeing them as profiting from bringing the international community into Egypt's domestic affairs (Yefet-Avshalom and Roniger 2006, p. 190). However, what the 2011 revolution made visible was an articulation and acknowledgement of economic inequality, social injustice and human rights abuses that transcended the outputs of human rights movements, and as a form of resistance Egyptians began protesting around the country projecting the precise ideas that the Mubarak regime repressively silenced. The slogans were not only chanted by seculars and liberals—sometimes accused of being overly sympathetic to a westernised, international legal framework based on rights—but became a uniting and instrumental theme for other opposition movements with differing visions for a political and social polity. The language of rights gained a local legitimacy made evident in the slogans of the Egyptian revolution: bread, freedom and social justice. Though the meaning behind the use of human rights language—be it civil, political, social or economic—is variously used and locally contested.

#### *Rights, the revolution and differing narratives*

The language of rights may have been widely chanted and boldly written in the slogans of the 2011 revolution, but the acceptance of and meaning behind the use of human rights as an international legal regime is variously used and locally articulated. This 'universal' framework of rights becomes internalised, negotiated, deployed or even resisted for political purpose by different actors, and this process becomes culturally situated. Consequently, the discourse of rights used by political actors should always be studied as contextually embedded and part of local practices. The Muslim Brothers harness the framework of rights, but this should not imply that their articulation of the discourse is the same as other Egyptian political actors. As one Brotherhood member explained about their relationship with NGOs when in power, "We didn't have a problem with the NGOs. Actually they had a problem with us because they believe in civil rights—let's say homosexuality— don't expect the Brotherhood to support this. It's not because it contradicts with the ideology, it's because it contradicts with Islam. This was not a priority because right now there was a priority for freedom rights and fighting corruption, other than discussing such things." The Brotherhood frames contestation over a particular articulation of civil rights using the discourse of Islam. This is not to situate the human rights debate within the discussion on Islam's compatibility or lack thereof with human rights; Islam can be over-emphasised as the primary feature used to explain the political, social and cultural identity of Arab states, and this has a certain Orientalist tendency that should be questioned. But, in studying the discourse of the Brothers, Islam is used as a wide lens to explain a particular critique of or resistance to certain features of the Western-liberal rights discourse. This also reveals a particular tension between the prioritisation of rights between the Brothers and certain Egyptian human rights NGOs. The Brothers refer to the *shari'a* as the normative authority for determining which rights can and cannot be accepted, so that rights gain legitimacy through the *shari'a* rather than through solely adhering to the international 'universal' principles of human rights. The issue of contestation over rights gains further complexity in that the Brotherhood, despite common misperception, is a heterogeneous movement filled with

members and supporters of varying perspective so that whilst some may use the language of rights in a particular way, others may put forward a different interpretation, and still others may not use the specific legal language of human rights.

Secular-liberal activists also commonly invoke the discourse of human rights, especially in legitimising the demands of the 2011 revolution. As one activist associated with an Egyptian secular-liberal movement described, “Democracy, human rights, reforming Egypt, killing the corruption...This is the revolution...If you go the streets and ask—leave my brother from jail, give us our rights, decrease the price of goods, where is the social justice—this will make something that can attract people.” For this activist, the Brotherhood now sits outside of this legitimate revolutionary discourse in their prioritising the ‘military coup’ (that removed them from power in 2013) as a call to protest, over and above the demands of the revolution including human rights, social justice and democracy. After their removal from power, the Brothers began framing human rights violations in relation to the military coup, and by protesting against and using the coup as a symbol for their articulation of human rights, they separate themselves further from the Egyptian public, according to this activist. Also in focusing on the military coup rather than also referencing the mass public support behind their removal, the Brotherhood’s conception of democracy becomes based on constituted power where legitimacy is derived from formal electoral processes. This contrasts with Egypt’s Tamarod movement that launched the mass demonstrations against the Morsi presidency in June 2013. The framework of human rights is therefore in constant negotiation with political actors where its features are used in specific and often contested ways. But this does not mean that the debate is all relative—the very indication that the human rights debate has local contours or is articulated differently by various political actors points towards its importance. The discourse of rights has gained a local legitimacy in specific ways, and it has infused debates with an internationally recognised and legally consequential language to address issues of equality, accountability and justice set within the context of the repressiveness of the Egypt’s political landscape both before and now after the 2011 revolution.

#### *Political freedoms in a post-2011 environment*

The political climate was undeniably changed with the 2011 revolution that toppled Mubarak, as a shifting power dynamic took place between competing institutional and ideological bodies, including remnants of the ancien regime, military and its Supreme Council of the Armed Forces (SCAF), Islamists including the Muslim Brothers and Nour Party, and the fractured secular opposition. But no longer could human rights activists and organisations be silenced without alienating much of the revolutionary youth; consequently space expanded to begin discussing the reforms needed to bring an end to measures like military trials for civilians and arbitrary police brutality. The opening, however, was very short-lived, and five years on there has been no qualitative change in the human rights situation in Egypt.

In the realm of political rights and civil liberties, two primary themes will be briefly developed in the post-2011 context—freedom of expression and freedom of assembly. Article 65 of the 2014 constitution states that all individuals have the right to express their opinion through speech, imagery, writings and publications; however, in-practice the constitution loses its meaning with the enactment of a number of harsh laws which have directly impacted the mobilisation and message of the opposition. For example, a recent counter-terrorism law limits this constitutional freedom by giving prosecutors power to detain without judicial review on issues related to national security and terrorism, though terrorist acts are vaguely defined and may be used to justify the detention of those even loosely affiliated with contentious opposition groups. The three-day detention of human rights activist and journalist Hossam Bahgat in November 2015 over articles written about the military is a case illustrating a growing crackdown

on freedom of expression which impedes the right to communicate information without fear of detention over ambiguous causes related to national interests and stability. Bahgat was told he faced charges for publishing false news that would harm national interests; he has also been banned from travelling outside the country. Secondly, regarding freedom of assembly, the constitution further gives citizens the right to assemble, march and demonstrate peacefully *if* they provide notification as stipulated by the law; this clause in effect prevents spontaneous demonstrations. In November 2013 a new demonstration law was put forward by former Interim President Adly Mansour which restricts this right to freedom of assembly as the law indicates that protest organisers must receive prior authorisation from authorities before forming demonstrations, but allowance may only be granted after a series of bureaucratic hoops are negotiated (The Right to Freedom of Assembly 2014). Moreover, security forces dispersing any unauthorised protests are granted permission to use force; Shaimaa al-Sabbagh, a member of the Socialist Popular Alliance Party, was shot dead as her and friends headed to Tahrir Square to lay commemorative flowers marking the four-year anniversary of the revolution.

Five years after the revolution the fragility of the transition process and the (re)shaping of Egypt's national identity has produced a heightened discourse of securitisation and stability, further silencing protest and voices of dissent, and curtailing human rights. According to a 2015 report by Amnesty International, over 41,000 people have been arrested or sentenced since the ouster of the Brotherhood's Mohamed Morsi. The effects of this heightened prioritisation on issues of national security include the mass imprisonment of those even loosely affiliated with the Muslim Brothers, voices of opposition to the regime, and allegations of continued torture, lack of healthcare in prisons, arbitrary arrests, trials with scant evidence, and enforced disappearances, to name just a few. The recent torture and murder of Italian PhD student, Giulio Regeni, is deeply disturbing evidence of potentially new redlines being drawn to strike fear in those interested in conducting research on any opposition movements in Egypt, targeting not only Egyptian but also international academics. Regeni was researching Egyptian labour movements, and whilst the case is under investigation, many fit this tragedy into the wider Egyptian context where a discourse of heightened securitisation has led to human rights violations on a large-scale. Further compounding this tragedy and many others is the issue of holding those who commit such brute violations accountable, even if they belong to the security apparatus. As Amnesty International has stated, despite hundreds being killed at the pro-Brotherhood sit-ins at Rabaa al-Adawiya and al-Nahda Squares in August 2013, no members of the security force have been criminally charged (Amnesty International UK 2015).

The transition process in Egypt has re-produced a form of authoritarianism, as far as the formal political realm is considered. President Sisi and the newly formed lower house of parliament may have been elected democratically, but this is as far as democracy extends five years after the revolution. It is shallow, and one with a conception of democracy that points to merely upholding political rights would admit that these are being side-lined, in practice. Human rights, especially political rights and freedoms, become articulated as separate from and subordinate to the nation's national security. The identity of the nation is then shaped around this very discourse of securitisation and anything that threatens this narrative is silenced. In other words, freedom to demonstrate and to speak and publish anything that might shift public perception is seen as divisive and quickly repressed. Freedom of assembly is an indication of progress towards upholding human rights, but with fear of imprisonment, torture and even death, those advocating human rights have to constantly calculate the risk of advancing their agenda in exposing the violations and trauma at the hands of the security forces. Violating human rights and invoking harsh physical and psychological methods for disciplining those that formed the pillars of the 2011 revolution will not produce long-term stability and trust in the regime. Those hailed in the revolution often find themselves now in jail or fearful of imprisonment and torture, while those the revolution targeted seem to walk free. What is the effect of these practices on the tens of thousands of detainees in prison, their families and loved

ones? It perpetuates a state of paranoia and fear where the stability of the regime is resting on keeping dissenting voices silent. But the discourse of human rights has become so pervasive in the social and cultural imaginary of those who supported the 2011 revolution that it will continuously become rearticulated as a form of resistance in ways that resonate with the lived-experiences of local populations. Silencing human rights advocates for reasons of Western infiltration or harming the nation's reputation will lose local support as the cases grow of violation and injustice.

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