

Brief memorandum on the observations of human rights organizations Regarding the European Commission report On the implementation of the EU-Egypt Action Plan

Cairo, 30 April 2008

The signature of the Egyptian government of the EU-Egypt European Neighborhood Policy Action Plan was supposed to contribute towards concrete steps being taken towards fostering democracy and human rights in Egypt; however, the situation on the ground in 2007 – the year in which the Action Plan was approved – witnessed further retrogression that was noted in the European Parliament resolution of January 2008. The resolution described 2007 as a year of dramatic deterioration of human rights in Egypt. This deterioration can be seen in the sharp reaction of the Egyptian authorities that reached the extent of considering the resolution adopted by the European Parliament as an intervention in Egypt's internal affairs effecting its sovereignty. As a reaction to this resolution, Egypt's participation in the meetings of the sub-committee for political consultations with the European Union (EU) has been suspended; Egypt has also taken other unjustified measures.

In this context, human rights organizations, signatories to this memorandum, have received the report prepared by the European Commission in order to be informed with the goals achieved under the frameworks of the Neighborhood Agreement and the Action Plan.

The organizations regret that the report lacked material identification of human rights problems in Egypt, neglected greatly the views of the Egyptian organizations and disregarded many of the points of concern expressed so clearly in the resolution adopted by the European Parliament.

The report's treatment of the constitutional amendments, for instance, does not pay due attention to the vast powers enjoyed by the executive authorities and which give them almost absolute control over the legislature and judiciary. The report settles for indicating the powers of the Parliament in monitoring the budget and withdrawing confidence from the government, despite the fact that such powers are futile as long as the president of the republic – the head of the executive authority – can, at any time, dissolve the Parliament.

When the report of the European Commission expresses unease concerning the counter-terrorism amendments, it only goes so far as to indicate the fears related to the power to bring terrorism cases before exceptional courts; meanwhile it neglects the consequences of the amendments with respect to granting security agencies exceptional authorities to control constitutional privileges of freedom and personal safety as well as to control the sanctity of the private life; these changes practically provide for the integration of the exceptional powers that were in the emergency law into the law currently being covertly set to combat terrorism. Accordingly, the European Commission statement "constitutional amendments pave the way for the termination of the state of emergency" lacks objective identification, because in reality it changes the measures from being 'temporary' state to being a permanent one.

The European Commission has sufficient reports and analyses of Egyptian human rights organizations, political parties, various civil society organizations and the media to comprehend the significance of excluding judges from supervising polling stations during general elections. It has sufficient analyses of the deficiencies of the Egyptian election laws and their manifestation during the exercise of the *Shura* Council – Egypt's upper chamber of Parliament – elections of the preceding year, the report does not draw upon these and it does not ask that the serious measures needed concerning the problems of political participation are taken. Instead the report settled for indicating that ambiguity surrounds the nature of the administrative structure of the recently formed electoral committee and the nature of the authority delegated to its members. Moreover, the report did not even refer to the opportunity of

holding real competitive presidential elections in light of the amendments of Article 76 of the Constitution.

The report paid heed to setting up a National Committee on Transparency and Integrity under the framework of what it described as supporting the efforts of combating corruption and enhancing transparency and accountability in public affairs. However, it did not even touch upon the actual means of combating corruption, at a time where; extremely tight restrictions still stand on the right to access information and documents, detention punishments still threaten newspaper journalists and other reporters, major legal restrictions surround civil society institutions and the executive authorities exercise control over the Parliament and intervene in the application of justice.

Even though the act of torture is widely, systematically and routinely practiced in Egypt as indicated by reports – local and international, the European Commission report concludes that detaining a number of law enforcement officers reflects a degree of determination on part of the authorities to deal with the practices of torture and mistreatment. This conclusion contradicts even with the reports of the National Council for Human Rights. The Council's fourth and (latest) annual report states that: the phenomenon (torture) has been emergent for quit some time and if it has not been growing then at least it has not been dwindling. Despite all the state-announced policies and programs on disseminating the culture of human rights to the police, its investigations and sentencing of state employees suspected of committing torture is still slow. Furthermore, the legislative framework has loopholes that allow for those found guilty to escape from the punishment; in addition, preventive sentences proportionate to the crime are rarely issued and the state has not, to date, considered significant recommendations made by non governmental organizations (NGOs) and by the National Council for Human Rights to plug such loopholes. Sufficient reaction with international mechanisms to eliminate the phenomenon is also absent, where till now the state refuses to consult the decision of the United Nations on the matter of torture (page 20 of the Arabic copy of the report).

The European Commission report even paints a pretty picture with respect to freedom of association, the report even referred to the fact that a "lively discussion!" was held concerning the trials of independent and registered newspaper journalists which resulted in them being sentenced, detained and heavily fined. Meanwhile, the report fails to mention the continued exercise of governmental monopoly over audiovisual media (especially the news media) and the state-owned papers, nor does it mention the restrictions imposed on the freedom of publishing papers, the control exercised over satellite broadcasting licenses, the legislative structure which is capable at any point of shutting down all media channels and the limitations placed on positive development represented in the variation of the media.

Nowhere in the report are the problems of freedom of religion in Egypt, this was expressed by stating the crucial development underlined in the sentence ruled by the Supreme Administrative Court concerning the Baha'is; meanwhile, the problem, as defined by the European Parliament in its resolution, also includes not only the Copts but also different creeds and schools of Islamic jurisprudence like Shi'ah and Sunna (for example Qur'anis). Furthermore, the problems of religious minorities are not only confined to religion but rather extend to comprise institutional exercises of discriminatory nature, sanctify religious zealotry and inflict major harm on academic freedoms and freedom of the media; a matter observed rightly by the resolution of the Parliament.

Even though the commission's report mentioned briefly that NGOs in Egypt face certain legal, administrative and security restrictions on their activities, the report should have at least reflected on the significance of the decision taken by Egyptian authorities to close down, in 2007, the Center for Trade Union and Workers Services CTUWS and the Association for Human Rights Legal Aid AHRLA two of the oldest and most prominent organizations working in the field of Human Rights

Egyptian organizations should be able to understand their government's endeavor to burnish its image by saying that it has added a formal nature to the aspects of human rights in Egypt. Nevertheless, it is

unjustified that the European Commission in turn repeats such allegations for which it has found no correspondence in reality other than in further practices contradictory to the respect for human rights enshrined in the resolution of the European Parliament, the reports of NGOs and even the reports the National Council for Human Rights established by the state and for which it has the sole right to appoint the members thereof.

Finally, Egyptian human rights organizations see in this report an indication that the opportunities for enhancing human rights in Egypt, under the framework of the European Neighboring Policy (ENP), are significantly diminished, due to the absence of political will not only of the Egyptian government to keep its promises but also of the European counterpart which prioritize political, economical and security considerations at the expense of respecting and further valuing human rights. Sadly all this comes in addition to the absence of a detailed assessment mechanism, in the report, which is necessary for the follow-up to the implementation of the Action Plan and which should include specific and clear indicators for measuring the state's commitment to its obligations for which it receives generous financial aid from the European Commission.

The following organizations have signed the memorandum:

1. Andalus Institute for Tolerance and Anti-Violence Studies
2. Arabic network for human rights information
3. Association for human rights legal aid
4. Cairo Institute for Human Rights Studies
5. Centre for Trade Union and Workers' Services
6. Egyptian center for woman's rights
7. Egyptian Euro Med Civil Platform
8. Egyptian Initiative for Personal Rights
9. Land center for human rights
10. New Women research Center
11. The Egyptian association for community participation enhancement
12. Egyptian Organization for Human Rights