

# OBSTACLES TO ADVOCACY IN EGYPT:

## A Civic Space Explainer for COP27 Participants

The Egyptian government has a range of laws to target dissent, and authorities have not hesitated to use them. In recent years, the government has imprisoned activists, journalists, lawyers, researchers, and other members of civil society, along with tens of thousands of other Egyptians. As a result, it is nearly impossible to participate in advocacy activities perceived as contrary to the government's interests without risking severe criminal consequences.

When preparing for activities around the 2022 UN Climate Change Conference (COP27) in Sharm El Sheikh or elsewhere in Egypt, individuals and organizations should be aware of the following:

### Restrictions on Expression and Protest



Authorities frequently use laws with vaguely defined offenses and extreme criminal penalties to chill and punish advocacy online and off. Restrictive laws and repressive government practices severely curtail the right to free expression, assembly, and peaceful protest in Egypt.

#### PROHIBITIONS ON "FAKE NEWS"

Article 102 of the *Penal Code* prohibits the "spreading of fake news" if it "harms the public interest," while the *Law Regulating the Press, Media, and the Supreme Council for Media Regulation* (Law 180 of 2018), criminalizes its spread by journalists or anyone with more than 5,000 followers on social media. Neither law defines "fake news," and offenses may be punished by up to 15 years in prison.

#### COUNTERTERRORISM LEGISLATION

These include provisions of the *Penal Code*, the *Law on Confronting Terrorism* (Law 94 of 2015), and the *Law on Designation of Terrorist Entities* (Decree-Law 8 of 2015). Often used alongside "fake news" prohibitions, counterterrorism laws define terrorist activity extremely broadly and can cover advocacy deemed

#### Examples: Fake News

- Rights advocate Amal Fathy was sentenced to two years in prison for "spreading fake news" after she posted a Facebook video criticizing the lack of government action to address sexual harassment in Egypt.
- Scores of rights activists, journalists, bloggers, and others have been detained under "fake news" charges. In many cases, authorities circumvent limits on pre-trial detention to keep detainees imprisoned for years.

#### Examples: Counterterrorism

- Human rights lawyer and former MP Hoda Abdel Moneam has spent over four years in pre-trial detention for charges including joining a terrorist organization.
- According to rights groups, between 2013 and 2020 some 11,700 people in Egypt were charged with terrorism offenses—the vast majority unrelated to violent extremism.

to “disturb public order” or “harm national unity.” Penalties include lengthy prison sentences.

## PROTEST AND PUBLIC ASSEMBLY LAWS

These include the *Law Organizing the Right to Public Meetings, Processions, and Peaceful Protests* (Law 107 of 2013) and the *Law on Public Assemblies* (Law 10 of 1914). Spontaneous protests are prohibited, and protesting without properly notifying authorities is punishable by imprisonment. The laws also enable security forces to use excessive and lethal force to disperse protesters. In addition, protesters face prison time and steep fines for committing vaguely defined offenses such as “violating public order” or “impeding public interests.”

## Constraints on Advocacy Organizations



Egyptian law limits the formation, funding, and operations of organizations.

### CIVIL SOCIETY ORGANIZATIONS LAW

The *Law on the Exercise of Civil Work* (Law 149 of 2019) requires all organizations to submit to an arduous, confusing registration process. Unregistered organizations are banned. Organizations that the government allows to register are subject to heavy supervision. Additionally, the law prohibits organizations from engaging in advocacy that authorities deem “political” or damaging to “public order” or “public morals.”

## RESTRICTIONS ON FUNDING

Laws targeting organizations’ funding have chilled advocacy by allowing the government to cut off resources to disfavored groups. Law 149 allows the government to ban any funding from outside Egypt, while Articles 78 and 98 of the Penal Code prohibit the receipt of foreign funding with the intent to harm the “national interest,” “national sovereignty,” or “public peace.” Violators can face the death penalty.

## Examples: Protest and Public Assembly

- In practice, the government has forcefully dispersed protests and made mass arrests of protesters and bystanders. For example, in the fall of 2019, amidst anti-government demonstrations across the country, authorities arrested nearly 1,000 protesters, including dozens of children.
- Authorities regularly charge protesters with laws that carry more severe penalties, like the counterterrorism and “fake news” laws discussed above.

## Example: Civil Society Organizations Law

- The Arab Network for Human Rights Information, a leading rights organization, shut down in January 2022 after 18 years of operation, citing its inability to carry out human rights work under Law 149.

## Example: Restrictions on Funding

- Authorities have prosecuted dozens of civil society groups for receiving foreign grants and donations. As a result, members of the organizations have been banned from traveling and had their assets frozen.

## Other obstacles to advocacy



### REPRISALS FOR INTERNATIONAL ADVOCACY

The government has repeatedly targeted civil society members who engage with international actors.

### RESTRICTIONS ON FIELD RESEARCH

Law 149 restricts organizations' ability to do research, a critical tool for effective advocacy. Under the law, organizations must obtain government approval before conducting or publishing surveys or opinion polls. In practice, groups say the necessary permits are almost impossible to get.

### LIMITS ON ACCESS TO INFORMATION

Under the *Law on Combating Cyber and Information Technology Crimes* (Law 175 of 2018), the government can censor and block news outlets, social media platforms, and blogs, as well as criminalize content.

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### Examples: Reprisals

- Egyptian Initiative for Personal Rights staff were arrested days after conducting a human rights briefing for a group of foreign diplomats.
- Rights defender Ebrahim Metwally was arrested on his way to Switzerland for a meeting with the UN Working Group on Enforced Disappearances.

### Example: Access to Information

- Since 2017, Egypt has blocked approximately 700 websites, including many independent news outlets. The government has also imprisoned dozens of journalists, making Egypt the third worst jailer of journalists in the world.