



AMERICAN UNIVERSITY OF BEIRUT

DANCING ON THE STAIRS: HUMAN RIGHTS, THE STATE,  
AND REVOLUTION IN EGYPT

by  
BENJAMIN S. PITLER

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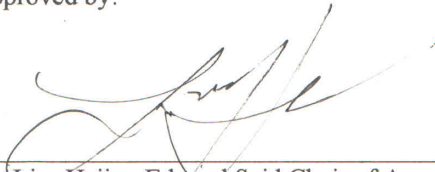
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## AN ABSTRACT OF THE THESIS OF

Benjamin S. Pitler for Master of Arts  
Major: Middle Eastern Studies

Title: Dancing on the Stairs: Human Rights, the State, and Revolution in Egypt

This thesis examines the perceptions of Egyptian human rights practitioners about future trends in professional human rights advocacy in Egypt. The perceptions of those involved in Egypt's human rights sphere have been shaped by both the 2011 revolution, which was closely tied to human rights principles and brought human rights defenders to the forefront for a short while, and the subsequent military-led counterrevolution, which threatens the very existence of the local human rights community. In particular, this study aims to understand and predict how human rights organizations will alter their organizational structures, mandates, advocacy strategies, and funding streams in response to new sociopolitical realities at work in Egypt.

Such an examination was accomplished via personal interviews with dozens of Egyptian human rights activists, organizers, and researchers. Analysis of the original research suggests that while Egypt's human rights sphere is still grappling with a decades-old debate about the societal roles of human rights organizations amidst authoritarianism, a number of young Egyptian rights groups are responding to the post-revolution dynamic by adopting novel advocacy tactics.

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## ABBREVIATIONS

**ACIJLP:** Arab Center for the Independence of the Judiciary and the Legal Profession

**ACLU:** American Civil Liberties Union

**AFTE:** Association for the Freedom of Thought and Expression

**AI:** Amnesty International

**AUB:** The American University of Beirut

**CEWLA:** Center for Egyptian Women's Legal Assistance

**CHRLA:** Center for Human Rights Legal Aid

**CIHRS:** Cairo Institute for Human Rights Studies

**CTUWRL:** Committee for Trade Union and Workers Rights and Liberties

**CTUWS:** Center for Trade Union and Workers Services

**ECESR:** Egyptian Center for Economic and Social Rights

**EIPR:** Egyptian Initiative for Personal Rights

**EOHR:** Egyptian Organization for Human Rights

**ERSAP:** Economic Reform and Structural Adjustment Program

**FDEP:** Front to Defend Egyptian Protesters

**GONGO:** Governmental Non-Governmental Organization

**HMLC:** Hisham Mubarak Law Center

**HRW:** Human Rights Watch

**ICCPR:** International Covenant on Civil and Political Rights

**ICESCR:** International Covenant on Economic, Social, and Cultural Rights

**ICJ:** International Commission of Jurists

**INGO:** International Non-Governmental Organization

**LCHR:** Land Center for Human Rights

**NAC:** National Association for Change

**NCHR:** National Council for Human Rights

**NDI:** National Democratic Institute

**NGO:** Non-Governmental Organization

**NMTC:** No Military Trials for Civilians campaign

**SCAF:** Supreme Council of the Armed Forces

**SCC:** Supreme Constitutional Court

**UDHR:** Universal Declaration of Human Rights

**UN CAT:** United Nations Convention Against Torture

**UN CEDAW:** United Nations Convention on the Elimination of All Forms of  
Discrimination Against Women

**UNHRC:** United Nations Human Rights Council

**UPR:** Universal Periodic Review

# CHAPTER 1

## INTRODUCTION TO THE STUDY

### 1.1 Introduction

In October of 2014, I sat with human rights researcher Hani Salem<sup>1</sup> in an outdoor café in downtown Cairo. The street abutting the patio was quiet, at least by Cairene standards, and the city's usual din was reduced to a low hum. As I asked Salem about the co-optation of human rights language in the Egyptian political sphere, he darted his eyes, glancing intermittently at the street behind me. "You see that car?" he asked, gesturing with his head. "State security. They've been following me since I left my house this morning." To hear Salem tell it, the same vehicle would sidle past the café several more times over the course of our meeting. I never saw it, but it appeared I was on their radar as well. Later that night the police came to the building where I was staying with friends, dragged the infirm landlord to a police station at three in the morning, and interrogated him about the presence and activities of a "non-resident foreigner" staying in the unit he was renting.

Given that Egyptian authorities apparently have taken to following and surveilling foreign graduate students like me simply for expressing an interest in human rights, the reality for Egyptian human rights activists is much more grim. Intimidation and imprisonment of human rights defenders are not new trends in Egypt; from the inception of Egypt's professional human rights movement in the mid-1980s, the government of then-president Hosni Mubarak harassed and targeted rights defenders and organizations.

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<sup>1</sup> Some names in this study have been changed to protect the identities of interviewees. All

Individual activists have long understood that security forces may arrest anyone without pretext in order to make an example of them. Still, by any measure, conditions for human rights activists in Egypt today are far more dire than ever before.

I spent more than a year conducting field research for this study, interviewing dozens of human rights activists in Cairo. Over the course of that period, I watched as the environment for rights advocacy deteriorated rapidly. It seems that with each passing month, the newest incarnation of Egypt's military state moves more aggressively to restrict public space for rights advocacy and adopts ever more punitive policies toward those who do not comply with its new paradigm. Not surprisingly, over the past eighteen months the tone of my interviewees has grown increasingly bleak. Every time I return to Cairo, faces seem more haggard and outlooks more pessimistic. Perhaps most telling of all, upon each return visit, there are simply less individuals with whom to speak. Many activists have seen the writing on the wall, choosing to enter a different line of work or even leave the country, a trend that is becoming increasingly common among young, educated Egyptians.<sup>2</sup> On several occasions, people I interviewed in the past have re-established contact with me to ask if I can help them find videography work in Beirut, a job with an NGO in New York, or work of any kind in Jordan, Dubai, Malaysia—anywhere but Egypt.

## **1.2. Recent Background**

Human rights organizations and activists were not among the main catalysts of the 2011 revolution that unseated Mubarak, nor did the millions who called for Mubarak's

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<sup>2</sup> Alice Tegle, "The Egyptian Brain Drain." *Egyptian Streets*, October 13, 2013, <http://egyptianstreets.com/2013/10/13/the-egyptian-brain-drain/> (accessed March 3, 2015).

ouster self-consciously couch their demands in human rights terminology. Nevertheless, it is accurate to say that the revolution's central demands—bread, freedom, human dignity, and social justice—were consonant with the rhetoric of international human rights. Further, following the revolution there was a retroactive connection drawn between the demands of the uprising and human rights principles. During the period encompassing the revolution's initial eighteen days, the early months of the subsequent Supreme Council of the Armed Forces (SCAF) regime, and even for a time during Mohamed Morsi's presidency, the Arabic term for human rights, *huqooq al-insan*, which had not often entered the public consciousness during the Mubarak period, gained unprecedented currency, and human rights activists received significant positive attention in public, media, and state discourses.

Accordingly, in the early post-revolution period many activists believed that the uprising would usher in the beginnings of a transformation in Egyptian society's openness to human rights concepts and advocacy. As one rights practitioner told me, "Early 2011 in Tahrir was the first time I was in a big crowd of people and I would feel comfortable identifying myself as a rights person."<sup>3</sup> To be sure, few Egyptian rights defenders believed that the January 25<sup>th</sup> revolution had transformed Egyptian society overnight and eliminated the historically entrenched forces so antagonistic to human rights advocacy. Nevertheless, there was a notion that, as another activist put it, "January 2011 made rights a friendly concept."<sup>4</sup> Indeed, the spontaneous participation of millions in making rights-based demands of the government suggested that professional human rights organizations might be able to harness the enthusiasm of those same constituencies going forward to influence

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<sup>3</sup> Heba Morayef, interviewed by Ben Pitler, Cairo, Egypt, December 2013.

<sup>4</sup> Hossam Bahgat, interviewed by Ben Pitler, Cairo, Egypt, March 2014.

the makeup of the post-revolution state. There seemed to be a chance to continue pressuring transitional power structures to form a new government that would hear the revolution's demands.

As we now know, none of that has come to fruition. To the contrary, both the SCAF period and the Morsi presidency featured targeted raids on civil society organizations, numerous killings of demonstrators, widespread state-sponsored torture, and broad assaults on judicial independence. Further, following mass protests against the Morsi regime beginning on June 30, 2013, an opportunistic military coup brought one-time military Field Marshal and now President Abdel Fattah el-Sisi to power. Since then, conditions have deteriorated rapidly. The post-coup military junta systematically violated the rights of Egyptians, criminalized the Muslim Brotherhood and massacred its members, and displayed remarkable hostility toward human rights organizations and activists. Following the election of Sisi as Egypt's president in June 2014, this trend has continued and intensified.

Nearly all of the human rights activists and practitioners interviewed for this project contended that, in terms of measurable violations, the current period far exceeds any from the Mubarak era. One told me, "This is a human rights crisis. We've never seen this many people killed; we've never seen this many people arrested; we've never seen people from the rights community being referred to trial like this."<sup>5</sup> Detentions without trial, widespread torture, extrajudicial killings, and mass trials resulting in death sentences have become the order of the day.

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<sup>5</sup> Heba Morayef, interviewed by Ben Pitler, Cairo, Egypt, December 2013.



Also troubling are the lengths to which the state has gone to portray human rights advocacy as inimical to state sovereignty, economic stability, or any other concept held dear by the general public. The Mubarak government engaged in similar tactics for decades, but the state-sponsored vitriol and propaganda directed at the human rights community since July 2013 has taken this phenomenon to new heights. As one activist told me:

We thought that things were bad under Mubarak but we had no idea that we would come to a position where there is this cult worship of a leader [Sisi], and a deep-seated public animosity toward any opposition or dissent. The people see us as part of this apparent dissent. If the government decided to crack down and shut down human rights organizations today, there wouldn't be the outcry that there would have been in 2011 and 2012.<sup>6</sup>

The Sisi government is taking full advantage of a violent Islamist insurgency in the Sinai, periodic bombings in Cairo, and the ongoing collapse in Libya, Syria, and Iraq to paint its domestic opponents as terrorist sympathizers and threats to Egypt's stability and economic recovery. Further, the state has increasingly sought to denigrate the January 25<sup>th</sup> revolution in the public imagination, portraying June 30<sup>th</sup> as the "better" of Egypt's two revolutions and a "correction" of the revolutionary path. In doing so, the government alleges that its opponents—especially the Muslim Brotherhood and human rights organizations—were central to the January 25<sup>th</sup> revolution but shunned the June 30<sup>th</sup> demonstrations.

In Cairo today, the assault on human rights defenders includes renewed attacks on the funding streams and legal statuses of human rights organizations, the enforcement of a new draconian law on freedom of association, aggressive legal action taken against both

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<sup>6</sup> Hossam Bahgat, interviewed by Ben Pitler, Cairo, Egypt, March 2014.

human rights organizations and individual human rights defenders, the criminalization of revolutionary youth movements, and a concerted smear campaign in the state-controlled and private media. Sisi is implementing Egypt's most comprehensive and coordinated assault on human rights organizations of any regime since the inception of the rights movement. Over the last several months of 2014, the Sisi government amended the Egyptian legal framework in various ways to co-opt human rights organizations, control their output, and destroy their independence. Accordingly, the very concept of human rights is under attack in an unprecedented way.

### **1.3 Purpose and Significance of the Study**

Sisi's brutal brand of authoritarianism has succeeded in re-restricting newly—and now formerly—opened public space and reestablishing state control over narratives about the future of the country and the legacy of the revolution. His popularity as a “savior” of the nation exacerbates this phenomenon. Nevertheless, despite this veneer of stability, Egyptian society is in many ways just as unstable and discontented as it was in early 2011. The process that began with Mubarak's deposal remains incomplete, and the anxious, military-enforced calm that persists today does not signify resolution. Cairo's uneasy stillness belies the serious state of fluidity that persists within Egyptian society.

Egyptian human rights organizations thus operate in a seemingly contradictory environment. The government's disdain for human rights advocacy is matched by a deep public distrust in the intentions of rights activists, and for all of the reasons outlined above, human rights work in Egypt appears to have been utterly crushed. Yet, human rights

organizations are also now considerably more visible than at any time before 2011. Far more Egyptians than ever before possess some familiarity with the term “human rights” and some awareness of the work of human rights organizations. And though that increased awareness may result largely from negative state and media attention heaped on human rights groups since the July 2013 coup, the fact remains that notions of human rights have been solidified as objects of intense public focus and integral components of the post-revolution zeitgeist. Further, despite the deep unpopularity of human rights organizations in the current moment, the public demand-making process that has emerged in such an unprecedented and visible way in recent years draws heavily on notions of entitlements and articulations of dissatisfaction with the state—all concepts that are rooted in human rights language, even if many Egyptians do not know it.

This incongruous dynamic is the source of the title of this thesis; “dancing on the stairs” refers to an Egyptian proverb that describes a person torn between what is at the top of the stairs and what is at the bottom, unable to go too far toward one extreme for fear of neglecting the other. This is the position of Egyptian human rights organizations today. The environment for human rights advocacy is at once more promising and more dangerous than ever before, and rights organizations accordingly find themselves grappling with difficult choices. Approaches that draw on latent public dissatisfaction and new legitimacies granted to human rights ideas could carry great promise, but such strategies are also sure to attract swift, harsh government action. On the other hand, for human rights organizations to remain impartial watchdogs and disengage from activities that are too inherently political would likely mitigate an already fierce government crackdown, but it

would also fail to capitalize on a still-present willingness among the Egyptian public to make rights-based demands of its state. In investigating how human rights groups are “dancing on the stairs,” trying to identify a way forward, this research asks, how do Egyptian human rights practitioners describe the revolutionary experience and the military’s resulting counterrevolutionary crackdown on human rights as affecting future trends within rights advocacy in Egypt? What have Egyptian rights practitioners concluded from the events of the past four years, and how are they adjusting their approaches, strategies, and overall conceptions of rights advocacy in response?

Based on 25 semi-structured interviews with actors within Egypt’s human rights sphere, the thesis explores the extent to which professional rights organizations have undertaken changes in response to events following the revolution. I describe how the post-revolution period has both exposed and exacerbated the Egyptian human rights community’s longstanding division over the ideal motivations and activities of professional human rights organizations. Principally, this debate revolves around whether it is (or “should” be) the task of human rights groups to pursue and foster grassroots social mobilization in the name of human rights causes, or whether rights organizations should remain neutral observers and reporters of government violations.

I find that the experience of the 2011 revolution as well as the resulting anti-human rights counterrevolution is inspiring many of Egypt’s younger, more radical human rights organizations to take up grassroots strategies once considered outside their purview, while also maintaining their principal functions as professional human rights organizations (reporting, documentation, litigation, etc.). However, these developments do not constitute

a sea change; this approach is not unanimously endorsed, and the larger human rights community remains divided over these issues. The thesis examines this dynamic alongside larger academic debates regarding human rights advocacy in the Arab world and compares them with the prescriptions of contemporary human rights scholars.

#### **1.4 Methodology**

The conceptual framework for this thesis comes from a research project designed and implemented jointly by AUB's Issam Fares Institute for Public Policy and International Affairs (IFI) and Lund University's Human Rights Center. That project, entitled *The State of Human Rights in the Arab World: Research, Advocacy, and Public Policy*, or RAPP, seeks to advance the state of knowledge about human rights in the Arab world. As the RAPP project's lead Egypt researcher, I conducted a number of semi-structured interviews with Egyptian human rights practitioners, based on questionnaire designed collaboratively by the RAPP project's directors. These interviews now form the basis for my Master's thesis. This arrangement has been approved by RAPP's directors and AUB's Institutional Review Board (IRB). The groups of interviewees is comprised of activists and researchers involved in Egypt's human rights sphere. Their names are as follows:

- **Fateh Azzam:** Director of AUB's Asfari Institute for Civil Society and Citizenship; former regional representative of the Office of the High Commissioner for Human Rights (OHCHR) for the Middle East; former Director of the Program for Forced Migration and Refugee Studies at the American University in Cairo (AUC); former program officer for

human rights at the Ford Foundation in Cairo and in Lagos, Nigeria; former director of Al-Haq in Ramallah, Palestine.

- **Hossam Bahgat**: Founder and former executive director of the EIPR.
- **Danielle Carey**<sup>7</sup>: Program officer in Cairo office of an international grantmaking foundation; former researcher for a human rights INGO.
- **Wael Eskandar**: Co-founder of the ‘Askar Kazibun and Manifesto campaigns; independent journalist
- **Roaa Gharib**: Director of the AFTE’s right to knowledge program; former researcher at the New Woman Foundation.
- **Mustapha Kamal el-Sayyed**: Director of the Ibn Khaldun Research Center; professor of political science at CU and AUC; member of the executive board of the EOHR.
- **Heba Khalil**: Deputy director of the ECESR.
- **Mohammed Lotfy**: Executive director and co-founder of the ECRF.
- **Heba Morayef**: Former Egypt researcher for HRW; former senior Egypt analyst for the ICG.
- **Mohammed Nagy**: Researcher in the AFTE’s unit for academic freedom and students’ rights.
- **Hisham Qassem**: Former chairman of the EOHR; former publisher of the Cairo Times; founding publisher of al-Masry al-Youm newspaper.
- **Ahmed Raghib**: Co-founder and director of the NCHRL; former director of the HMLC.
- **Ragab Saad**: Researcher at the CIHRS.

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<sup>7</sup> Ms. Carey’s name has been changed and the details of her position obscured at her request

- **Hafez Abu Saada:** Current president and former secretary general and director of the EOHR.
- **Hani Salem**<sup>8</sup>: Former political consultant for the EIPR; independent political analyst.
- **Mahmoud Salmani:** Member of the NMTC campaign.
- **Aida Seif el-Dawlah:** Co-founder of the Nadeem Center; program coordinator for the Nadeem Center's torture rehab program; former professor of psychiatry at Ain Shams University.
- **Omar Shakir:** Egypt fellow/researcher at HRW.
- **Nagwa el-Sheikh:** Lawyer and legal researcher for the executive committee of the NCHR.
- **Mohammed Taher:** Researcher in the AFTE's unit for digital freedom.
- **Sally Toma:** Co-founder of the 'Askar Kazibun and Manifesto campaigns.

I have performed qualitative analysis on these 25 interviews using grounded theory, which is an attractive option in that it requires that all theorizing about the conclusions to be drawn from qualitative data analysis are grounded in the data itself.<sup>9</sup> Arriving at an “abstract theoretical understanding of the studied experience”<sup>10</sup> has been my goal from the outset; I wished to make no assumptions about the experiences and beliefs of human rights practitioners, but rather allow them to speak for themselves and then extrapolate from their words a theoretical analysis about future trends in Egyptian human rights advocacy. Given

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<sup>8</sup> Mr. Salem's name has been changed at his request.

<sup>9</sup> Charmaz, *Constructing Grounded Theory*, 2.

<sup>10</sup> Charmaz, *Constructing Grounded Theory*, 4.

that grounded theory calls for researchers not to analyze data with a hypothesis already in mind, this seems to me the best available approach.

Ultimately, the findings emerging from this research, which are detailed in Chapter 5, result largely from this interview process, but also from an extensive review of the history of Egypt's human rights movement (presented in Chapter 3) and also from the larger understanding I gleaned from the eighteen months I spent in Cairo working on this project. As the thesis demonstrates, it became clear to me that interviewees' responses exist within a much larger narrative that is informed by a variety of historico-political and societal factors, not least of which is the shifting relationship between civil society groups and the Egyptian state. As such, the analysis offered in this thesis represents my attempts to not only present the responses of Egyptian human rights practitioners to a series of questions, but also to triangulate those findings within a larger, often obscured context.

## **1.5 Guiding Questions**

- 1) How do human rights practitioners assess the 2011 uprising's immediate effect on public consciousness of human rights issues?
- 2) How do human rights practitioners describe the anti-human rights counterrevolution that took place in Egypt from mid-2011 onwards? How do they believe that dynamic has altered the environment for rights advocacy in Egypt?



- 3) To what do human rights practitioners attribute the inability of civil society and the broader revolutionary coalition to sustain the revolution's initial pro-human rights momentum?
- 4) How do human rights practitioners conceive of the role that human rights organizations ideally "should" play within Egyptian society?
- 5) What specific changes are Egyptian human rights organizations undertaking in response to post-revolution social and political dynamics?

## **1.6 Structure of the Thesis**

**Chapter 2** examines the theoretical and empirical literature on human rights advocacy in the Arab world. In order to more thoroughly examine professional rights advocacy in Egypt, I provide a brief description of the history of universal human rights and the body of international human rights law. Following that, I consider some of the main tenets of contemporary human rights theory, especially as it applies to human rights communities in the Global South. These include issues related to the state-centricity of international human rights law, the alleged perils of the professionalization of human rights work, whether notions of "human rights" can be separated from the law itself, and the realities of human rights advocacy amidst authoritarianism.

**Chapter 3** examines Egyptian history since the inception of Egypt's professional human rights movement, which emerged in the early 1980s. I analyze the development of the rights movement alongside the economic liberalization and political deliberalization that defined state policy during the Mubarak years. The chapter also provides a detailed

account of the events of the revolution, the role of human rights principles and activists therein, and developments since the revolution. **Chapter 4** presents the findings of the 25 interviews I conducted with Egyptian human rights practitioners. **Chapter 5** analyzes the findings of that research in relation to the theories and empirical research examined in Chapter 2 and the historical background presented in Chapter 3. Finally, **Chapter 6** concludes the thesis with a summary of the findings that emerged from the research, reflections on the research process, and predictions and recommendations for the future.

## CHAPTER 2

# HUMAN RIGHTS LAW, TRANSNATIONAL ACTIVISM, AND ADVOCACY IN THE GLOBAL SOUTH

### 2.1. Introduction

Since the initial codification of a corpus of international human rights law in the post-World War II era, the global profile of human rights has grown considerably. While human rights were once viewed chiefly as a concern of the United Nations and the purview of diplomats and politicians, today they occupy a level of international prevalence that the drafters of the Universal Declaration of Human Rights (UDHR) could scarcely have imagined. Human rights rhetoric in the 21<sup>st</sup> century has become pervasive across the globe; it at once offers Western governments grounds for justifying “humanitarian” military interventions and provides dissidents like Egyptian Islamists an internationally recognized vocabulary for airing their grievances over ill treatment in state custody. Thus, human rights have, in many ways, become all things to all people.

Despite the apparent ubiquity of human rights in public and political discourses today, there is another thorny truth: the international human rights project—that is, the UN-led efforts to codify human rights into law and establish mechanisms for their enforcement—has not succeeded in halting or redressing human rights violations. As Guyora Binder puts it, “[International human rights law] is not part of an effectively functioning legal system that delivers on the promise of stability, social peace, humane

living conditions, and democratic responsiveness.”<sup>11</sup> Accordingly, the popularity of rights rhetoric today should not be confused for a functional global system for the protection of human rights. To the contrary, the contemporary human rights system neither enjoys widespread acceptance worldwide nor succeeds in protecting those rights it upholds as universal. As Abdullahi An-Na’im writes, there is a “continuing discrepancy between the theory and practice of [human] rights.”<sup>12</sup> This discrepancy has led some contemporary human rights scholars to problematize both the corpus of international human rights law and the human rights industry that has materialized in support of that corpus.

Makau Mutua describes the international human rights system as “a bundle of contradictions” that does not possess “[the] monopoly on virtue that its most vociferous advocates claim.”<sup>13</sup> In order to unravel this bundle of contradictions, it is imperative to understand the corpus of human rights law, the agendas and mandates of the human rights industry, and the prevailing articulations of dissatisfaction with these two principal elements of the international human rights system. To contribute to such an understanding, this chapter offers a survey of the literature on these issues, placing a focus on the writings of a number of contemporary human rights scholars whose work centers on human rights issues in the global South and the Arab world. The literature review first briefly explains the corpus of human rights law and the structure of the human rights industry. It then

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<sup>11</sup> Guyora Binder, “Cultural Relativism and Cultural Imperialism in Human Rights Law,” *Buffalo Human Rights Law Review* 55, (1999): 217.

<sup>12</sup> Abdullahi A. An-Na’im, ed., *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1995), 1.

<sup>13</sup> Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2008), 15.

outlines two predominant theoretical critiques of the corpus and the industry, especially as they pertain to the defense of human rights in authoritarian political contexts. Then, the chapter concludes by situating the critiques presented within a larger theoretical debate regarding the purposes and motivations of human rights organizations and the limitations of human rights advocacy amidst authoritarianism.

## **2.2 International Human Rights Law**

This thesis concerns itself principally with examining Egypt's professional human rights community, which operates in accordance with the corpus of international human rights law. Despite vigorous debates about the theoretical or natural law bases of the rights of humans, the term "human rights" in the contemporary sense denotes a very specific meaning connected to a complex framework of international legal treaties, conventions, and declarations which, when taken together, define and delimit what we mean when we talk about human rights. Simply put, a particular claim or entitlement only exists as a human right in the contemporary, legal context "...when laws or judicial opinions say so specifically."<sup>14</sup> A human right is only a right insofar as the law stipulates what entitlements or protections are owed to whom, who is responsible for providing them, and the consequences for failing to fulfill that obligation.

While religious and philosophical traditions from all over the world have for centuries provided moral bases for various individual rights,<sup>15</sup> the contemporary

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<sup>14</sup> Michael Haas, *International Human Rights: A Comprehensive Introduction* (London: Routledge, 2013), 3.

<sup>15</sup> *Ibid.*, 11, 18, 38.

codification of human rights principles and values into legally protected rights that began in the aftermath of World War II has resulted in a series of documents which delineate the definitions and boundaries of universal human rights and, at least ostensibly, provide for mechanisms for their enforcement. The first of these documents was the aforementioned UDHR, drafted by the French, American, Lebanese, Chinese, Chilean, and Soviet delegates of the United Nations Council for Human Rights and approved by the UN's General Assembly in 1948 as a framework for a future international bill of rights.<sup>16</sup> The UDHR represented the first step toward codifying a body of international human rights law but it was non-binding; the Declaration existed mostly as a statement of principles and intent, and its adoption by the General Assembly did not officially obligate any nation to oversee the provision of these rights to its citizens. This task was left to a number of later internationally adopted legal conventions, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966.

The ICCPR and ICESCR gave legal force to some of the rights outlined in the UDHR and also provided for a number of additional rights. These were followed by several UN conventions on more specific categories of rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Convention Against Torture (CAT), which are two of the international legal documents

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<sup>16</sup> Mark Goodale, *Surrendering to Utopia: An Anthropology of Human Rights* (Palo Alto: Stanford University Press, 2009), 24.

most relevant to human rights concerns in the Arab world.<sup>17</sup> CEDAW and CAT, which provide for the equal rights of women and bans against all forms of torture respectively, have been adopted even more widely than the ICCPR and the ICESCR.

It is important to note that while all of these covenants are technically binding on states that have ratified them, states are under no obligation to actually ratify any of these treaties. Additionally, many states have signed these covenants, indicating their “intention to comply,” but have refused to ratify them, a necessary step in order to render the treaties binding.<sup>18</sup> States can also sign and ratify these covenants while entering “reservations” under which the state advances its own interpretation of the treaty and considers itself bound by it only under certain circumstances. This is of particular concern in the Muslim world, where a number of states, including Egypt, pledge to follow the covenants only insofar as they do not “conflict with Sharia law.”<sup>19</sup> Further, these treaties generally contain “optional protocols.” These protocols provide for the establishment of individual complaint mechanisms through which claims submitted by individuals or NGOs of the violation of the covenants by their states can be adjudicated. States can both sign and ratify these treaties

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<sup>17</sup> The other major human rights conventions include the UN Convention on the Rights of the Child (UNCRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

<sup>18</sup> Government of the Netherlands, “The difference between signing and ratification.” <http://www.government.nl/issues/treaties/the-difference-between-signing-and-ratification> (accessed March 3, 2015).

<sup>19</sup> Lisa Hajjar, “Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis,” *Law & Social Inquiry* 29, no. 1 (Winter 2004): 16, <http://www.jstor.org/stable/pdf/4092696.pdf> (accessed March 3, 2015).

without agreeing to the optional protocols, effectively exempting them from the enforcement mechanisms of these covenants.

The system of international human rights law includes a number of other features within the UN and regional bodies, including the United Nations Human Rights Council (UNHRC), which is responsible for, among other things, administering the relatively new Universal Periodic Review (UPR) process. While the UPR does constitute “a periodic review of the human rights records of all 193 UN Member States,”<sup>20</sup> upon completion of the UPR for a given state, “The state has the primary responsibility to implement the recommendations contained in the final outcome.”<sup>21</sup> An in-depth analysis of the intricacies of international human rights laws and the mechanisms for their enforcement falls outside the scope of this thesis, but this short summary should suffice to communicate the facet of human rights law that is of primary importance to this study: all aspects of the corpus of international human rights law, even those that are supposedly binding upon states, are for most intents and purposes voluntary, as the UN possesses little authority to enforce compliance; in the end, it is incumbent upon the state in question to comply with the law. This notion of the state-centricity of the law will form the crux of the critiques of the human rights corpus explored in section 2.4 of this chapter.

## **2.3 The Human Rights Industry**

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<sup>20</sup> United Nations Office of the High Commissioner for Human Rights, “Basic facts about the UPR.” <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx> (accessed March 3, 2015).

<sup>21</sup> Ibid.



By the late 1970s, though the UDHR, ICCPR, and ICESCR had all taken effect, there was no system of actors capable of implementing these conventions' provisions. The corpus of international human rights law does establish mechanisms for enforcing the rights it enshrines, but these mechanisms are weak and, for the most part, intended as end-stage adjudicators of human rights disputes, not active monitors of human rights violations. Accordingly, over the past four to five decades, "a complex of activities and institutions that function under the label *human rights*"<sup>22</sup> has emerged in support of human rights law. This section examines the individuals and organizations that comprise domestic and transnational human rights advocacy networks, sometimes also referred to as the human rights industry.

In describing the human rights industry that has developed in support of international human rights law over the past four to five decades, Mark Goodale writes:

[This is] the curious grapevine [...] given the task of creating networks that would weaken the hegemony of nation-states and [...] forge a transnational system in which the [UDHR]—both in itself and through the follow-on instruments that were meant to actualize its norms—could be both politically and legally effective.<sup>23</sup>

The grapes on Goodale's grapevine are non-governmental human rights organizations of various compositions; some are large and transnational, but most are small and country-specific. Equally important to the functioning of this system are the various funders and donors, based almost exclusively in the West, that finance the operations of human rights organizations around the world. This group includes private donors and grant-making

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<sup>22</sup> Lori Allen, *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine* (Palo Alto: Stanford University Press, 2013), 4.

<sup>23</sup> Goodale, *Surrendering to Utopia*, 95.

foundations, government funding directed through embassies and foreign aid and development agencies, and funding from international bodies like the World Bank, the European Union, and the UN. Together, these actors comprise the *human rights industry*, “the material and financial infrastructure that buttresses human rights work [...] including the professionals who work within those organizations, the formulas they have learned in order to write reports and grant applications, and the funding streams that this industry generates and depends on.”<sup>24</sup> As this thesis is concentrated specifically on Egyptian human rights NGOs, the principal focus is on the activities and structures of domestic human rights organizations in the global South, as well as, to a lesser extent, the ways in which the activities and structures of international human rights organizations affect global South rights movements.

To the latter point, international NGOs (also referred to as INGOs), like Amnesty International (AI), the International Commission of Jurists (ICJ), Human Rights Watch (HRW), Freedom House, and Reprieve, are typically headquartered in the West—usually in New York, Washington, DC, or London—but focus on human rights issues and violations all over the world. Some INGOs focus only on specific categories of rights issues, but most, like AI, ICJ, and HRW, cast a wide net and feature different divisions that focus on various rights issues around the globe. Regardless of organizational focus, with a few exceptions human rights INGOs generally utilize similar strategies in their advocacy. They are principally lobbying and watchdog organizations, in that they monitor and report on rights violations in countries around the world, either via a permanent presence in regional

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<sup>24</sup> Allen, *The Rise and Fall of Human Rights*, 4.

or country offices or by sending temporary investigative missions abroad, and then lobby governments and the international community to take action.

While INGOs like HRW and AI may have become the face of the global human rights movement, they are far outnumbered by the domestic human rights organizations that have proliferated around the world. Unlike INGOs, the focus of these organizations is strictly national or regional; most do not work on issues outside of their own country, or occasionally their immediate geographical region. Additionally, it should be noted that while there are very few true human rights INGOs based outside of the West, human rights organizations with local focuses and mandates are found throughout the world. Further, while domestic human rights advocacy organizations in the global North often utilize membership models and frequently engage in grassroots mobilization techniques, domestic rights groups in the global South often stand accused of featuring organizational structures and mandates that mirror those of INGOs, a point of contention for many observers of the human rights industry. Some local human rights organizations do feature more diversified mandates, focusing on human rights education, legal aid, policy advocacy, as well as traditional reporting, documentation, and lobbying efforts. Still, the fact that local human rights NGOs in the global South often direct their efforts toward international advocacy channels and depend heavily on sources of funding located in the global North is a dynamic that opens these organizations to accusations of illegitimacy and unrepresentativeness.

## 2.4 Criticisms of International Human Rights Law

Rights scholars advance various critiques of the corpus of international human rights law. For example, contested ideas about the cultural relativism that some claim is inherent to international human rights law have been mainstays of human rights debates for decades. I have chosen to focus on one principal theoretical critique of the law that is most relevant to the empirical research on which this thesis is based: the state-centricity of international human rights law. The paradox of the law is immediately apparent in the gap between the “law on the books” and the “law in action,” and in the lack of effective enforcement mechanisms.<sup>25</sup> As An-Na’im puts it, “[The human rights] movement has to call for protection of human rights by the same authorities which violate those rights in the first place.”<sup>26</sup> The human rights corpus initially arose “because horrific experiences have repeatedly shown that national governments cannot be trusted to maintain the necessary degree of protection for the rights of their own citizens.”<sup>27</sup> Yet, paradoxically, “states continue to control the processes of defining and implementing human rights through international treaties and customary practice, as well as their domestic application within their own territories.”<sup>28</sup> This state-centricity, according to many critics, is the principal flaw contributing to the inability of international human rights law to halt rights violations.

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<sup>25</sup> Lisa Hajjar, “Toward a Sociology of Human Rights: Critical Globalization Studies, International Law, and the Future of War,” in *Critical Globalization Studies*, eds. Richard P. Appelbaum and William I. Robinson (London: Routledge, 2005), 208.

<sup>26</sup> Abdullahi A. An-Na’im, “Human Rights in the Arab World: A Regional Perspective,” *Human Rights Quarterly* 23, no. 3 (August 2001): 724, <http://muse.jhu.edu/journals/hrq/summary/v023/23.3an-naim.html> (accessed March 7, 2015).

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 705.

Accordingly, this section examines the views of a number of contemporary human rights scholars on the implications of the positioning of states as both the makers and the violators of human rights law.

#### ***2.4.1. International Human Rights Law and State-Centricity***

Though the state is both the “principal violator and essential protector” of human rights,<sup>29</sup> removing the state’s responsibility for protecting the rights of its citizens is not an option. As Jack Donnelly notes:

The state, [...] precisely because of its political dominance in the contemporary world, is the central institution available for effectively implementing internationally recognized human rights. “Failed states” such as Somalia show that one of the few things as frightening as an efficiently repressive state is no state at all.<sup>30</sup>

An-Na’im adds, “The international community is neither able nor willing to replace the state in maintaining the long term legal, administrative, and other means for the protection of human rights in any part of the world.”<sup>31</sup> Accordingly, the international system vests states—all of which violate the rights of their citizens to some degree—with the responsibility to protect human rights within their own borders. This creates a raft of problems.

First and most obvious, international human rights treaties, while binding in theory, often entail weak enforcement mechanisms in practice. This allows states the discretion to ratify whichever treaties they see fit without fear of reprisal for violating them.

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<sup>29</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, NY: Cornell University Press, 2013), 33.

<sup>30</sup> *Ibid.*, 34.

<sup>31</sup> An-Na’im, “Human Rights in The Arab World,” 705.

Beth Simmons notes the practice of “strategic ratification,” whereby states ratify human rights treaties despite having no intention to comply with them, simply to curry international favor. She suggests this is a common practice, noting, “Improved behavior is far from an instant or even a consistent result of treaty ratification.”<sup>32</sup> Indeed, when confronted with repeated rights violations, the various compliance mechanisms attached to human rights treaties have little recourse but to issue strongly worded condemnations. Individual states dismayed with the human rights violations of other states find themselves in the same predicament, leading Donnelly to contend, “The implementation and enforcement of universally held human rights thus is extremely relative, largely a function of where one has the (good or bad) fortune to live.”<sup>33</sup>

Another issue inherent to the state-centricity of human rights law is that the states leveling human rights censure at other governments are often themselves frequent violators. Jamie Mayerfeld describes this as “the underlying legitimacy problem facing the unidirectional model of human rights enforcement: if the norms are good enough to be enforced, they should be enforceable on the enforcer.”<sup>34</sup> The United States, whose human rights violations over the past half-century are numerous and well known (at least outside

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<sup>32</sup> Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009), 113.

<sup>33</sup> Jack Donnelly, “The Relative Universality of Human Rights.” *Human Rights Quarterly* 29, no. 2 (May 2007): 283, [https://muse.jhu.edu/journals/human\\_rights\\_quarterly/v029/29.2donnelly.html](https://muse.jhu.edu/journals/human_rights_quarterly/v029/29.2donnelly.html) (accessed March 8, 2015).

<sup>34</sup> Jamie Mayerfeld, “Who Shall Be Judge?: The United States, the International Criminal Court, and the Global Enforcement of Human Rights.” *Human Rights Quarterly* 25, no. 1 (February 2003): 125, [https://muse.jhu.edu/journals/human\\_rights\\_quarterly/v025/25.1mayerfeld.html](https://muse.jhu.edu/journals/human_rights_quarterly/v025/25.1mayerfeld.html) (accessed March 8, 2015).

of the US), provides an instructive example. The Phoenix Program, the School of the Americas' encouragement of torture in Latin America, the Bush Administration's torture program, targeted drone killings around the world, even the domestic US prison system and police violence against minorities—all of these constitute violations of international human rights law. Unsurprisingly, it becomes exceedingly easy for states to disregard human rights censure directed at them by other violating states.

Further, the state-centric nature of human rights law allows states to strategically ignore violations committed by their geopolitical allies. As Donnelly puts it, this issue arises less “where [the human rights system] does raise human rights concerns than where it doesn't, or where it allows them to be subordinated to other concerns.”<sup>35</sup> For a violator state to find incentive in responding positively to international rebuke of its human rights records, the state must be both responsive and condemnable, and very few states in the world actually fit this mold. If the violating state in question is a total international pariah (e.g., North Korea), the government is unlikely to respond, for it has few meaningful geopolitical relationships that could be jeopardized by refusing to do so. On the other hand, if the state is party to crucial international alliances, or enjoys strategic geographical positioning or valued natural resources, other states will be loath to mount condemnations of its human rights record. Given the Middle East's immense oil wealth and the important geopolitical staging ground the region has become, this issue is of particular concern in the Arab world. Frequent violators like Egypt and Saudi Arabia, which have ratified or acceded to various human rights conventions, repeatedly escape international punishment (or even

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<sup>35</sup> Donnelly, “The Relative Universality of Human Rights,” 306.

serious rebuke) and find no incentive to alter their behavior. They are, simply put, uncondemnable. As An-Na'im points out, the West's dependence on the oil of the Gulf states or on Egypt for its role in the Middle East peace process with Israel has made these states "less vulnerable to pressure by Western governments about their human rights performance."<sup>36</sup> Western concerns over terrorism further exacerbate this dynamic, as they serve to protect cooperative Arab governments from censure.

Lastly, the state-centric nature of the law also exacerbates existing issues related to cultural relativism and human rights. Accusations of cultural relativism in human rights typically hold that international human rights law, despite its claims to universality, is "fundamentally Eurocentric,"<sup>37</sup> and that supposedly universal human rights norms cannot be applied worldwide. This is the notion that "morality is relative to culture or that rights and wrongs vary with cultural norms."<sup>38</sup> In the Arab and Muslim world specifically, both scholars and political leaders often invoke issues of relativism in matters regarding Islamic interpretations of human rights law as it relates to gender, women's rights, and family law, questioning "whether Islam and human rights offer compatible world views."<sup>39</sup> Accordingly, there often exists in Muslim societies "a belief that international standards for women's rights—and efforts to promote them—are un-Islamic or even anti-Islamic because they contradict and conflict with [sharia]."<sup>40</sup> Again, while this thesis is not principally

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<sup>36</sup> An-Na'im, "Human Rights in The Arab World," 728.

<sup>37</sup> Mutua, *Human Rights: A Political and Cultural Critique*, 11.

<sup>38</sup> John J. Tilley, "Cultural Relativism." *Human Rights Quarterly* 22, no. 2 (May 2000): 501, [https://muse.jhu.edu/journals/human\\_rights\\_quarterly/v022/22.2tilley.html](https://muse.jhu.edu/journals/human_rights_quarterly/v022/22.2tilley.html) (accessed March 8, 2015).

<sup>39</sup> Hajjar, "Religion, State Power, and Domestic Violence in Muslim Societies," 6.

<sup>40</sup> *Ibid.*, 16.



concerned with debates over the merits of relativistic vs. universalistic interpretations of human rights, it is interested in how the state-centric nature of international human rights law interacts with existing cultural relativism arguments to produce negative effects for the actual protection of rights.

Principally, the law's positioning of states as the enforcers of universal human rights standards within their own borders allows governments to curry domestic favor and placate domestic opposition with relativistic human rights arguments. In countries with Muslim-majority populations, where Islamist organizations often represent the principal opposition to state power, otherwise secular governments find incentive to bolster their religious credentials by taking a relativistic stance and decrying universal rights standards as un-Islamic. Zehra Arat notes that authoritarian governments are often keen to reject international human rights law as "[a product] of Western/Christian culture and [a tool] of Western imperialism in order to deflect domestic criticism."<sup>41</sup> Lisa Hajjar agrees, describing "a generally shared commitment between Islamists and regimes to preserve patriarchal family relations" and noting, "Even in contexts where Islamists constitute a hostile opposition, states often are willing to accommodate their demands on matters of gender and family relations as a means of placating them."<sup>42</sup> In this way, the state-centric nature of the law grants governments the ability to fabricate—or at least exaggerate—issues of cultural relativism in order to shore up state power and placate domestic opposition.

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<sup>41</sup> Zehra F. Arat, "Women's Rights in Islam: Revisiting Quranic Rights," in *Human Rights: New Perspectives, New Realities*, eds. Adamantia Pollis and Peter Schwab (Boulder, CO: Lynne Rienner Publishing, 2000), 90.

<sup>42</sup> Hajjar, "Religion, State Power, and Domestic Violence in Muslim Societies," 6.

Accordingly, governments in Muslim-majority states have long had vested political interests in advancing a relativist interpretation of human rights, often taking particularly strong stances against universal women's rights. Adamantia Pollis writes, "The cultural [relativism] argument often plays into the hands of the state and is used to rationalize the arbitrary exercise of power that cannot be justified by claims of philosophic or cultural distinctiveness."<sup>43</sup> She argues that by invoking cultural relativism in their objections to aspects of international human rights law, modern states often "exploit the language of cultural relativism to justify and rationalize [their] own repressive actions in the governing elites' drive to consolidate or to hold on to political power."<sup>44</sup> Subsequently, while many Muslim majority states have ratified CEDAW with reservations maintaining that adherence be dependent on the consonance of individual CEDAW articles with Sharia law (an intentionally vague prescript),<sup>45</sup> many scholars interpret these reservations as relatively ungrounded in the particularities of religious law and more motivated by internal politics.

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<sup>43</sup> Adamantia Pollis, "Cultural Relativism Revisited: Through a State Prism." *Human Rights Quarterly* 18, no. 2 (May 1996): 320, [http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v018/18.2pollis.html](http://muse.jhu.edu/journals/human_rights_quarterly/v018/18.2pollis.html) (accessed March 8, 2015).

<sup>44</sup> Ibid.

<sup>45</sup> In "Religion, State Power, and Domestic Violence in Muslim Societies," Hajjar describes Egypt's reservations to CEDAW, which hold that Egypt will abide by the Convention's articles insofar as they are consonant with the edicts of Sharia law.

## 2.5 Criticism of the Human Rights Industry

Given that the state-centricity of international human rights law is a function of the dominance of the nation-state in the modern political system,<sup>46</sup> this is not a condition that is likely to change. The inefficacy of the corpus in uncondemnable authoritarian states may be unfortunate, but it is a fact. Accordingly, human rights advocates—especially within uncondemnable or geopolitically important authoritarian states—should not expect that generating international and Western pressure alone will prove capable of inducing structural change on the local level. Yet, some critics contend, a glance at the mandates and structures of human rights organizations throughout the global South indicates that such groups continue to place an outsized focus on generating international pressure and engaging with Western-based supranational human rights mechanisms. Why is this?

Some argue that this dynamic is a function of the very model of the human rights industry, which positions Western INGOs and funders of human rights organizations, rather than local human rights organizations themselves, as the primary authorities on rights violations in the global South. An-Na'im calls this condition "human rights dependency," which he defines as "the widely prevalent perception that the governments of developing countries are more responsive to international pressure for the protection of human rights in their countries, than to the activities of local NGOs and other actors within their own societies."<sup>47</sup> This dynamic, critics say, induces global South rights organizations to adopt mandates and tactics from INGOs and Western funders that are inherently depoliticized, and thus ill suited to authoritarian political contexts.

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<sup>46</sup> Donnelly, *Universal Human Rights in Theory and Practice*, 34.

<sup>47</sup> An-Na'im, "Human Rights in The Arab World," 702.

### ***2.5.1 The Human Rights Industry and the Depoliticization of Rights Advocacy***

An-Na'im argues, "Human rights are always a profoundly political project."<sup>48</sup> In saying so, he refers to the notion that human rights violations on the local level are facilitated by domestic political structures—ministries of interior, judiciaries, et cetera—so to advocate for human rights is in fact to call for political change. Lori Allen puts it more bluntly: "The human rights system can promote social justice only when it is understood in explicitly political terms and motivated by political goals."<sup>49</sup> Considering the fact that, as discussed in section 2.4.1, the state is both violator and provider of its citizens' rights, the characterization of human rights as internal political struggles seems logical, especially where the state in question is both highly illiberal and seemingly impervious to external pressures. This is why some view the human rights industry's approach to rights advocacy as so problematic. The industry often stands accused of "depoliticizing struggle" and not viewing the protection of human rights as an issue of good governance, connected to internal political reform of state structures, but rather a matter to be discharged through external pressure from other states and intergovernmental bodies.<sup>50</sup> In truth, human rights advocacy amidst harsh authoritarianism is in many ways a transformational, even revolutionary proposition. Yet, scholars contend, the human rights industry treats it as

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<sup>48</sup> Abdullahi A. An-Na'im, "Problems of Dependency: Human Rights Organizations in the Arab World," *Middle East Report* 214, no. 30 (Spring 2000): 20, <http://www.jstor.org/stable/1520190> (accessed March 10, 2015).

<sup>49</sup> Allen, *The Rise and Fall of Human Rights*, 69.

<sup>50</sup> David Landy, "Talking Human Rights: How Social Movement Activists are Constructed and Constrained by Human Rights Discourse," *International Sociology* 28, no. 4 (July 2013): 413, <http://iss.sagepub.com/content/28/4/409.abstract> (accessed December 15, 2014).

anything but, advancing “the illusion that human rights work is humanist, sanitised, and beyond the political.”<sup>51</sup>

There is a growing tradition of criticism of the human rights industry for the ways in which it induces rights groups in the global South to approach rights advocacy from a depoliticized standpoint. This often manifests in a critique of the “professionalization” or “NGOization” that the human rights industry reproduces within local rights movements. Critics contend that the industry’s funding channels and institutional prestige pressure local rights activists to abandon a political ethos in favor of adopting excessively pragmatic, business-like, and ultimately ineffective structures. Aziz Choudry defines NGOization as the “institutionalization, professionalization, depoliticization, and demobilization [of struggle].”<sup>52</sup> V. Suresh notes that for many rights activists, “human rights work is now more a profession, than an expression of commitment.”<sup>53</sup> Allen adds, “The resources available through NGOization have altered what once were the radical social visions of former revolutionaries.”<sup>54</sup>

The effects of NGOization are said to be evident in the fact that human rights movements across the global South have shied away from building broad-based social movements in favor of mimicking the organizational structures and funding channels preferred by Western-based human rights INGOs and donors. In this way, “major NGOs

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<sup>51</sup> V. Suresh, “Funds and civil liberties.” *OpenDemocracy.com*, January 6, 2014, <https://www.opendemocracy.net/openglobalrights/v-suresh/funds-and-civil-liberties> (accessed December 20, 2014).

<sup>52</sup> Aziz Choudry, “Global Justice? Contesting NGOization: Knowledge Politics and Containment in Antiglobalization Networks,” eds. Aziz Choudry and Dip Kapoor (London: Palgrave MacMillan, 2013), 19.

<sup>53</sup> Suresh, *Funds and Civil Liberties*.

<sup>54</sup> Allen, *The Rise and Fall of Human Rights*, 13.

may act as brakes on more radical and exceptional ideas emanating from the developing world,”<sup>55</sup> subjugating domestic political reform efforts to the scandalizing of violations on the international stage. In writing on Palestine, Allen contends:

The mushrooming of the human rights industry [...] and the infusion of donor funds that has encouraged this have led to a professionalization of human rights work. [...] The human rights industry has been utilized more and more as a technocratic tool, as if “human rights” were a set of skills that could be taught and mastered, regardless of any change in political framework.<sup>56</sup>

Mutua agrees that the industry pushes human rights as a singular, masterable set of skills, noting, “The relationship between the international human rights NGOs and domestic NGOs rhymes in conception, mandate, methods of work, and funding.”<sup>57</sup> He continues:

Many [local rights groups] are miniature replicas of their more powerful counterparts in the North: they are funded by the same sources; they are organized similarly with almost identical mandates and use similar tactics and strategies of advocacy and work [...] although the majority of [their constituents] live a meager existence defined by the most blatant, brutal, and unimaginable denials of the most basic economic, social, and cultural rights.<sup>58</sup>

Critics regard the formation of global South human rights movements into NGOized structures as a negative development for a number of reasons. Principally, such an approach, in its insistent focus on international human rights mechanisms and the generation of international pressures, ignores crucial local political realities. An-Na’im writes:

[Monitoring and publicizing] violations in order to create pressure on governments to comply [...] works in stable democratic contexts where legal institutions and media can mobilize public support. None of these assumptions pertain in our

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<sup>55</sup> Choudry, *Learning from the Ground Up: Global Perspectives on Social Movements*, 21.

<sup>56</sup> Allen, *The Rise and Fall of Human Rights*, 3.

<sup>57</sup> Mutua, *Human Rights: A Political and Cultural Critique*, 19.

<sup>58</sup> Makau Mutua, *Human Rights NGOs in East Africa: Political and Normative Tensions*. (Philadelphia: University of Pennsylvania Press, 2008), 23.

region. Our judiciaries and legal professions are weak, our media is either coopted or restricted by the government. [...] While it is necessary to continue monitoring, we must also attack the root causes of human rights violations and target a broader set of concerns.<sup>59</sup>

In undemocratic contexts where the state is impervious to international pressure and the country's domestic political structures are either too weak or too coopted to be effective, rights movements must engage alternate social and political forces that are capable of compelling the state to alter its behavior. In uncondemnable authoritarian states, rights scholars contend, such a force can only be marshaled via the mobilization of large segments of the general populace. Yash Ghai argues:

Foreign governments and international organizations cannot really play a significant role in persuading reluctant presidents to democratize—that task has to be left to the people. [...] NGOs, which are the primary engine for change in the face of official resistance, have generally failed, or often have not tried, to mobilize the people. They are essentially lobbying groups, without a mass base of their own.<sup>60</sup>

And Aziz Choudry continues:

[Due to NGOization], organizations must demonstrate managerial and technical capabilities to administer, monitor, and account for project funding. Mass-based organizations or movements that assert themselves through various forms of political mobilization are often displaced by or are in considerable tension with organizations that claim to represent the poor and marginalized, but which have no mass base or popular mandate.”<sup>61</sup>

Depoliticized, NGOized human rights work thus stands accused of delegitimizing local human rights movements before their constituencies and rendering them incapable of

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<sup>59</sup> An-Na'im, "Problems of Dependency," 23.

<sup>60</sup> Yash Ghai, Human Rights and Social Development: Toward Democratization and Social Justice (Democracy, Governance and Human Rights Programme Paper 5).” United Nations Research Institute for Social Development (October 2001): 25, <http://www.unrisd.org/80256B3C005BCCF9/search/ECD0417EB1177C5280256B5E004BCAFA?OpenDocument> (accessed January 15, 2015).

<sup>61</sup> Choudry, *Learning from the Ground Up: Global Perspectives on Social Movements*, 19.

mobilizing any sizable base. This importance of investing large constituencies of the non-activist public in human rights concerns is a common refrain among human rights scholars. Alex De Waal argues that on the domestic level, it is crucial to make violations of human rights “an issue of concern to those who are not directly affected: treating [their] prevention as a barometer of political legitimacy and [their] occurrence as a political scandal.”<sup>62</sup> An-Na’im agrees, writing, “Human rights cannot be protected in an effective and sustainable manner without developing an internal popular human rights culture.”<sup>63</sup> He adds that this is especially true in authoritarian political contexts, where political will to respect human rights is absent within the state and must instead be “generated within civil society” and the human rights ethos “infused into the fabric of the state itself.”<sup>64</sup> In accepting the narrow parameters of professionalized rights advocacy, Arab rights NGOs give the impression that human rights are an elitist, international enterprise and not the concern of the people. In doing so, An-Na’im and others contend, they forfeit their capacity to alter the fabric of the state.

Finally, perhaps the most common indictment of the human rights industry’s preferred advocacy model is that the strategies it neglects—namely indigenous funding, internally-focused advocacy, and grassroots mobilization and constituency-building strategies—are central to the work of indigenous human rights advocacy organizations in the global North. To many critics, this dynamic flies in the face of conventional knowledge, which holds that “[e]ffective and sustainable protection of human rights can only be

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<sup>62</sup> Alex De Waal, *Famine Crimes: Politics & the Disaster Relief Industry in Africa*. (Bloomington, IN: Indiana University Press, 2009), 215.

<sup>63</sup> An-Na’im, “Human Rights in The Arab World,” 720.

<sup>64</sup> *Ibid.*, 706.



achieved by each society for itself.”<sup>65</sup> INGOs and funding from development agencies play a far less prevalent role in rights advocacy in Western countries, where rights are mostly protected by locally based and privately funded NGOs, “with the active support of their own local constituencies, and through activities addressed to their own governments and public opinion.”<sup>66</sup> As An-Na’im notes, while the human rights industry contends that human rights should be protected in the South by generating pressures in the North, “that is not how human rights are protected in the North itself. There, human rights are protected by local constituencies organizing around their own priorities, enlisting political support within their own communities and pressuring their own governments legally and otherwise.”<sup>67</sup>

Critics often uphold groups like the American Civil Liberties Union (ACLU) and the British rights organization Liberty as examples of human rights groups that are both locally legitimate in their own societies and financially sustainable due to their constituents’ investment and involvement in their work. Traditional human rights groups in the West, like the ACLU and Liberty, generally operate on membership models wherein individual citizens pay small, yearly membership fees and are kept informed on the group’s activities. These organizations fund themselves largely from membership fees and private donations, and they are able to do so, Mutua contends, because such groups “arose from material conditions” in their countries of origin, and are not “product[s] of external factors”

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<sup>65</sup> Ibid., 702.

<sup>66</sup> Ibid.

<sup>67</sup> An-Na’im, “Problems of Dependency,” 22.

like many non-Western rights groups.<sup>68</sup> The fact that the human rights industry does not advocate this same model in other regions of the world strikes many critics as problematic.

## 2.6 Analysis: Between Human Rights and Politics

These contentions about the inadequacy of depoliticized human rights advocacy models are part of a larger scholarly debate surrounding definitions of “human rights” and “human rights work.” As the introduction to this chapter noted, the ubiquity attained by human rights language in recent decades—what Upendra Baxi has termed the “[global and national] proliferation of endless enunciations of human rights norms and standards”<sup>69</sup>—has resulted in a diffusion of the original, basic meaning of human rights. In the literal sense, as Fateh Azzam points out, “human rights” are not merely a collection of values that prizes equality and social justice; they are, above all else, a legal system: “What distinguishes human rights from other moral systems (whether political, social, religious, etc.) is that they are legal. They require law and legal advocacy in defense of individuals and communities.”<sup>70</sup> In a personal interview for this thesis, Azzam went on to say:

I think we need to separate the system of human rights—the practical, hands-on work of protecting [and] defending human rights—[from] developing and promoting a general, broader culture of human rights and a human rights values system. [...] What makes human rights human rights, as opposed to political ideologies, is that when you’re talking about rights, you’re talking about law. You’re talking about duties and responsibilities. In the human rights discussion,

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<sup>68</sup> Mutua, *Human Rights NGOs in East Africa: Political and Normative Tensions*, 22.

<sup>69</sup> Upendra Baxi, “Human Rights: Suffering between movements and markets,” in *Global Social Movements*, eds. Robin Cohen and Shirin M. Rai (London: Athlone, 2000), 33.

<sup>70</sup> Fateh Azzam, “In defense of ‘professional’ human rights organizations.” *OpenDemocracy.com*, January 13 2014, <https://www.opendemocracy.net/openglobalrights/fateh-azzam/in-defense-of-professional-human-rights-organizations> (accessed December 20, 2014).

we usually refer to rights-holders and duty-bearers, so there is a relationship there, and the law is very much part of it. [...] Now, you can have human rights values [...] [but] these are political agreements. The text of the declarations and covenants and treaties are all made by representatives of states in political negotiations. So these are all political things, and once they are set into law, that becomes a very different approach from a value-based approach.<sup>71</sup>

Exhortations of domestic human rights organizations to recognize the weaknesses of international human rights law and reformulate themselves as broad-based movements for domestic political change thus seem to contain the tacit implication that such a development would be predicated on a more relaxed interpretation of the meanings of human rights and human rights advocacy. Baxi argues:

Human rights appear to belong, at one and the same time, to institutionalized collective orders and to the spheres of social movements. [...] If at one point of the spectrum they signify a grammar of governance, at another they register sites of insurrection. [...] [The] different, and lived, embodied images of rights suggest heavily their dialectical character. 'Human rights' constitute different constellations of meaning, distinct cultural software in contemporary 'timeplace.'<sup>72</sup>

The contention that human rights, due to their now global conceptual ubiquity, have transcended their origins in the law and its attendant institutions to become something more fluid is not an uncommon one. This is the idea that scholars and practitioners should “stop regarding declarations of human rights as eternal meta-juridical structures binding the legislator [...] and [begin] to consider them according to their real historical function in the modern nation-state.”<sup>73</sup> “[G]rassroots postmodernists [who] summon us to a struggle against the ‘monoculture’ of universal human rights,” Baxi argues, insist that “what matters

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<sup>71</sup> Fateh Azzam, interviewed by Ben Pitler, Beirut, Lebanon, February 2015.

<sup>72</sup> Upendra Baxi, “Human Rights: Suffering Between Movements and Markets,” in *Global Social Movements*, eds. Robin Cohen and Shirin M. Rai (London: Athlone, 2000), 34.

<sup>73</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Palo Alto, CA: Stanford University Press, 1998, 75, quoted in Upendra Baxi, *Human Rights in a Post-Human World: Critical Essays* (Oxford: Oxford University Press, 2009), 139.

[...] is good practice in furtherance of human rights and that ‘good’ is not something that may fully await the public goods produced by erudite ethical theory, or ideology. What actually works in real life contexts the best is not ‘good’ theory but practice in a given circumstance.”<sup>74</sup>

Should a professional human rights organization be expected to engage in grassroots postmodernism and to stray from the erudite ethical theory of human rights law? Would such an endeavor still constitute “human rights work”? Who is to say that spearheading movements for fundamental political change should fall within the purview of professional human rights organizations? Can professional rights organizations, which exist primarily to document and report and are thus necessarily engaged with the human rights monoculture, exist alongside grassroots movements for political change? Is their presence not still a net positive? These are questions about, as An-Na’im puts it, the “epistemological anchor” of human rights organizations. “Is it a de-contextualized, abstract universality?” he asks. “Or do you root your work and your frame of reference in your local context and culture?”<sup>75</sup> These issues form the core of one of the principal ongoing debates within human rights theory today, but it is not the purpose of this chapter or this thesis to be prescriptive or decree answers to any of them. Rather, I mean to point out that as high-minded as this debate may seem, it is one that has real practical implications, and it has played out in local human rights movements over the past twenty years, especially in the Arab world. Scholars and practitioners advance differing views regarding the extent to

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<sup>74</sup> Upendra Baxi, *Human Rights in a Post-Human World: Critical Essays* (Oxford: Oxford University Press, 2009), 2, 12.

<sup>75</sup> An-Na’im, “Problems of Dependency,” 47.

which human rights organizations should undertake a shift toward more grassroots mobilization activity, the feasibility of such a project amidst authoritarianism, and the suitability of human rights organizations as candidates for fostering political mobilization.

To the first point, some critics contend that while locally funded, mass-based movements for political mobilization are important, calls for human rights organizations in the global South to completely transform themselves into these kinds of movements are excessive and unnecessary. Azzam writes:

I disagree with the assumption that effective defense of human rights is an either/or proposition: to be broad-based grass roots social/political movements committed to [a] longer-term vision of equality and justice, or institutionalized and career-minded professional advocates. The struggle for social justice requires both. Grassroots social movements can and should take up human rights as advocacy tools towards democratization and a more just and balanced social order. [...] Such a social movement approach can exist side by side with the more 'professionalized' rights defenders working on specific cases of torture, land rights, forced evictions or freedom of expression. They play different and complementary roles.<sup>76</sup>

He continues:

While it is important to inculcate human rights values in all aspects of social and political work, what makes them rights is law and accountability. [...] This requires a different set of skills, which I believe are equally important as social mobilization skills. To say that either skill-set is [...] more important than the other would be fundamentally wrong.<sup>77</sup>

The definition of a “social movement” aside,<sup>78</sup> the important point here is that while Azzam, Neil Stammers,<sup>79</sup> and others agree that broad-based movements of this kind can aid

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<sup>76</sup> Azzam, “In defense of ‘professional’ human rights organizations.”

<sup>77</sup> Ibid.

<sup>78</sup> Social movements are often ill-defined. For his part, Azzam notes that many such groups or campaigns might just as easily be termed “political movements,” given their goal of inducing a political change of some kind. regards a social movement as “[something] smaller [than a political party], but still bigger than the parameters of a human rights

in the struggle for social justice by “challenging structured definitions and institutionalized routines of political behavior,”<sup>80</sup> they do not believe this justifies the elimination of institutionalized or professionalized human rights work. There remains a belief among many human rights scholars and practitioners that whatever the shortcomings of the international human rights system, reporting and documentation of local human rights violations for the international stage remain crucially important. Even An-Na’im, who is often a harsh critic of professionalized Arab rights NGOs, concedes:

The autonomy and powers of the state to act or refrain from action are now conditioned by a variety of internal and external actors and factors [...] [and] consequently, human rights obligations should be discharged through a combination of internal efforts for legal and political accountability, on the one hand, and international cooperation and pressure, on the other.<sup>81</sup>

Thus, while internal mobilization for accountability is crucial and underdeveloped within many human rights movements in the global South, maintaining external pressure, ostensibly through the work of advocacy NGOs, remains an important piece of the equation.

Additionally, some critics argue that while the organizational structures predominating within human rights movements in the global South do seem ill suited to authoritarian political contexts, the conditions of authoritarianism also make the pursuit of

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organization, and which is working with communities.” In “Social Movements and the Social Construction of Human Rights,” Neil Stammers defines a social movement as simply as, “Collective actors constituted by individuals who understand themselves to share some common interest and who also identify with one another, at least to some extent.”

<sup>79</sup> In “Social Movements and the Social Construction of Human Rights,” Stammers points to the compatibility of NGO and social movement structures existing alongside one another and interacting.

<sup>80</sup> Ron Eyerman and Andrew Jamison, *Social Movements: A Cognitive Approach*, (University Park, PA: Pennsylvania State University Press, 1991), 149.

<sup>81</sup> An-Na’im, “Human Rights in The Arab World,” 704.

more politicized, mobilization-oriented tactics exceedingly difficult. Examples like Egypt and Saudi Arabia attest to the imperviousness of the West's Arab allies to international human rights pressure, and An-Na'im suggests that Egyptian rights groups should take note of this dynamic and foster links with the Egyptian public by doing things like collecting small donations from large numbers of people.<sup>82</sup> However, this is, from a legal, social, and security standpoint, a virtual impossibility in Egypt today. More than anything, Egypt's leaders have cracked down on attempts by Egyptian human rights groups to pursue domestic political mobilization, and that is why the law explicitly prohibits them from engaging in the vague category of "political and unionist activity."<sup>83</sup> As Rosalind Petchesky points out, thriving popular mobilization within society is strongly correlated with democratic political systems, suggesting that the mobilization-oriented model "may not be easily transferable to societies where the political conditions are different, where authoritarian or US-lackey regimes prevail."<sup>84</sup> Sarah Ben Nefissa agrees, noting how the "authoritarian tone of Arab public authorities [...] prevents the institutionalized development of social movements," preferring to leave them "atomized, disorganized, and in a state of anarchy."<sup>85</sup> As such, when confronted with the contention that Egyptian rights

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<sup>82</sup> An-Na'im, "Problems of Dependency," 23.

<sup>83</sup> Krista Masonis El-Gawhary, "Egyptian Advocacy NGOs: Catalysts for Social and Political Change?" *Middle East Report* 214, no. 30 (Spring 2000), <http://www.merip.org/mer/mer214/egyptian-advocacy-ngos> (accessed January 15, 2015).

<sup>84</sup> Rosalind Pollack Petchesky, *Global Prescriptions: Gendering Health and Human Rights*, (London: Zed Books, 2003), 255.

<sup>85</sup> Sarah Ben Nefissa, "NGOs and Governance in the Arab World: A Question of Democracy," in *NGOs and Governance in the Arab World*, eds. Sarah Ben Nefissa and Carlos Milani (Cairo: The American University in Cairo Press, 2005), 10.

activists “are not willing to go down into Shubra al-Khaima<sup>86</sup> and do the work it takes to generate [...] political legitimacy,”<sup>87</sup> it is tempting to wonder if this is more an issue of feasibility than willingness.

Finally, there is disagreement regarding whether or not human rights NGOs are actually well suited to the role of political mobilizer in authoritarian contexts. Vickie

Langohr writes:

Non-governmental advocacy organizations [...] can play central roles in fostering democratization. It is certainly true that these organizations can call attention to and sometimes limit the depredations of authoritarian rule by publicizing abuses such as the torture of political prisoners and limitations on free speech. They can also help lay the foundations of a democratic culture by disseminating values essential to democracy, including respect for human rights and the rule of law. Beyond these contributions, however, lies the Herculean task of replacing current authoritarian regimes with democratic ones. Groups seeking to challenge authoritarian rule require widespread popular support, and nongovernmental advocacy organizations, which are typically single issue groups with small local constituencies dependent entirely on foreign largesse, are ill-equipped to lead the charge.<sup>88</sup>

Furthermore, she points to the fact that in parliamentary authoritarian states, where opposition politics are especially brutally suppressed, NGOs have frequently tried to step into this void and act as first-line opposition to authoritarianism, mobilizing constituencies in making demands of the state. With respect to Egypt specifically, Langohr’s assessment is that NGOs, owing to the particularities of their positions as members of transnational networks, have largely failed in this regard.

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<sup>86</sup> An-Na’im, “Problems of Dependency,” 23.

<sup>87</sup> Shubra al-Khaima is one of Cairo’s poorest neighborhoods.

<sup>88</sup> Vickie Langohr, “Too Much Civil Society, Too Little Politics: Egypt and Liberalizing Arab Regimes,” *Comparative Politics* 36, no. 2 (January 2004): 200, <http://www.jstor.org/stable/4150142> (accessed March 17, 2015).



## 2.7 Summary

The dissonance between the lofty goals of international human rights law and the realities of human rights in the world today is striking. As such, it is not surprising that contemporary rights scholars so often concern themselves with matters of diagnosis, with identifying the flaws in human rights law and the transnational rights advocacy system that allow for the “continuing discrepancy between the theory and practice of [human] rights.”<sup>89</sup> Sections 2.4.1 and 2.5.1 of this chapter examined this category of analysis, focusing on how scholars fault international human rights law’s state-centric nature and the human rights industry’s depoliticized vision of rights advocacy for undermining the protection of human rights, especially within uncondemnable authoritarian states. Section 2.6 then turned its focus to the tacit assumptions about the nature of human rights and human rights advocacy that inhere in these critiques. As noted above, there is an ongoing debate surrounding the role of organizations advocating for human rights and the extent to which that role can or should become detached from the international human rights framework in pursuit of grassroots mobilization, constituency building, increased politicization, or any other goal. My purpose is not to weigh in on this debate, but rather to examine how professional human rights practitioners in Egypt are negotiating this terrain. As the next chapter demonstrates, questions regarding the grassroots and political dimensions of human rights work have been at the heart of deep rifts within Egypt’s human rights community in the past. Further, as the original research explored in chapter 5 indicates, these questions are

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<sup>89</sup> An-Na’im, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, 1.

now more salient than ever, and some Egyptian organizations are choosing to respond to them in novel ways.

## CHAPTER 3

# HUMAN RIGHTS, THE STATE, AND REVOLUTION IN EGYPT

### 3.1 Introduction

In order to discuss the future of professional human rights advocacy in Egypt, it is important to understand the functioning of the human rights community amid Mubarak-era authoritarianism, the connection between human rights and the 2011 revolution, and the anti-human rights counterrevolution that has unfolded over the past four years. As such, the task of this chapter is to consider the past three decades of Egyptian history, during which the human rights movement came of age, and examine the growth of Egypt's human rights organizations alongside the machinery of the state. This examination will contribute to understanding the pro-human rights momentum accompanying the 2011 revolution, how public opinion has been turned so completely against human rights defenders in the post-revolution period, and the prospects for human rights advocacy in Egypt going forward.

### 3.2 The 1990s

At the inception of the Egyptian human rights movement in the mid-1980s, political activists frustrated with Anwar el-Sadat and Mubarak's "controlled democracy" began to flock to human rights as an alternative avenue for change.<sup>90</sup> During the 1990s, the movement grew from one organization—the Egyptian Organization for Human Rights

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<sup>90</sup> Neil Hicks, "Transnational Human Rights Networks and Human Rights in Egypt," in *Human Rights in the Arab World: Independent Voices*, eds. Anthony Chase and Amr Hamzawy (Philadelphia: University of Pennsylvania Press, 2008), 74.

(EOHR)—to dozens. The 1990s were thus a period of tremendous development within the human rights sphere in Egypt. Naturally, with that development came increased repression from the state, which moved to crush dissent of all varieties.

### ***3.2.1 Expansion of the Human Rights Movement***

New human rights organizations began to proliferate quickly in Egypt throughout the 1990s.<sup>91</sup> Organizations specializing in torture rehabilitation, women's rights, union services, legal aid, land issues, judicial independence, and prisoners' rights were established. These organizations were all technically illegal under Law 32/1964, a Nasser-era law that required all non-governmental associations to register with the government and submit to state oversight of their budgets and programming. However, these new groups took advantage of a legal loophole that, for a time, allowed them to register themselves as nonprofit civil companies rather than associations.<sup>92</sup>

The new organizations represented an evolution from the approach of the 1980s. They were more specialized both in their focuses on specific rights issues and their advocacy strategies. As Neil Hicks notes, rights organizations during this period began to move beyond simple documentation and reporting work to more diverse categories of action:

[At] a relatively early stage leading local activists came to realize the limitations of the conventional technique of exposing violations and bringing pressure to bear on the government to change. Bahey el-Din Hassan founded the Cairo Institute for

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<sup>91</sup> Ibid.

<sup>92</sup> Dina Shehata, "Islamists and Non-Islamists in the Egyptian Opposition," in *Conflict, Identity, and Reform in the Muslim World*, eds. Daniel Brumberg and Dina Shehata (Washington, DC: United States Institute of Peace, 2008), 65.

Human Rights Studies (CIHRS) in 1993, recognizing the need to “focus on the question of culture” and the need for research and education. [...] The Legal Research and Resource Center for Human Rights [...] [focused] on public education and awareness-raising. [...] The Hisham Mubarak Law Center (HMLC) focused on using the courts and legal system to make human rights gains through litigation. Negad Al-Borai headed the Group for Democratic Development (GDD) [which] aimed at enhancing the effectiveness of the Egyptian legislature. None of these initiatives relied on direct international pressure on the government. [...] The EOHR remained engaged in conventional monitoring and campaigning work, but by the late 1990s [...] the center of gravity of the movement had moved elsewhere.<sup>93</sup>

Following the passage of land reform law 96/1992, rights organizations like the Land Center for Human Rights (LCHR) also provided legal representation to thousands of dispossessed peasants whose newly legally empowered landlords had stolen their land.<sup>94</sup> Other groups like the Center for Trade Union and Workers’ Services (CTUWS) undertook similar work with laborers.<sup>95</sup>

Critically, during the 1990s a number of organizations also began direct litigation action against the state.<sup>96</sup> Tamir Moustafa notes, “By 1997, legal mobilization had unquestionably become the dominant strategy for human rights defenders because of the difficulty of creating a broad social movement under the Egyptian regime.”<sup>97</sup> Throughout the 1990s and early 2000s, organizations like the Center for Human Rights Legal Aid (CHRLA), the LCHR, the HMLC, and the Arab Center for the Independence of the

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<sup>93</sup> Hicks, *Human Rights in the Arab World*, 87.

<sup>94</sup> Tamir Moustafa, “Got Rights? Public Interest Litigation and the Egyptian Human Rights Movement,” in *Human Rights in the Arab World: Independent Voices*, eds. Anthony Chase and Amr Hamzawy (Philadelphia: University of Pennsylvania Press, 2008), 158.

<sup>95</sup> Joel Beinin and Marie Duboc, “A Workers’ Social Movement on the Margin of the Global Neoliberal Order, Egypt 2004-2012,” in *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, eds. Joel Beinin and Frederic Vairel (Stanford, CA: Stanford University Press, 2013), 207.

<sup>96</sup> Moustafa, *Human Rights in the Arab World*, 158.

<sup>97</sup> *Ibid.*, 159.

Judiciary and the Legal Profession (ACIILP) brought dozens of cases against the government related to trade union laws, neoliberal land reform laws, and eventually an updated version of Law 32/1964 regulating nongovernmental associations, many of which were surprisingly successful.<sup>98</sup> Rights groups largely directed these litigation campaigns through the Supreme Constitutional Court (SCC), where then-Chief Justice Awad el-Morr was known as a fair judge with a respect and appreciation for human rights.<sup>99</sup>

Consequently, as former CHRLA and HMLC and current EIPR director Gasser Abdel Razeq put it, “[We] woke up to the idea that litigation in the SCC could allow us to actually change the laws and not just achieve justice in the immediate case at hand.”<sup>100</sup>

Unsurprisingly, this trend also represented an enormous annoyance to the state.

### ***3.2.2 Political Deliberalization and the Offensive against the Human Rights Community***

Eberhard Kienle refers to the political “deliberalization” of Mubarak’s Egypt in the 1990s. Though the Mubarak regime could never have been described as liberal, it significantly stepped up repression throughout the 1990s. Following an upsurge in violence committed by Islamist groups during 1991 and 1992,<sup>101</sup> the government altered its penal code, criminalizing “terrorism” broadly and allowing civilians accused of terrorism to be tried in military courts.<sup>102</sup> Quickly, the regime began to levy charges of terrorism against

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<sup>98</sup> Moustafa, *Human Rights in the Arab World*, 158.

<sup>99</sup> Moustafa, *Human Rights in the Arab World*, 159.

<sup>100</sup> Ibid.

<sup>101</sup> Eberhard Kienle. “More than a Response to Islamism: The Political Deliberalization of Egypt in the 1990s,” *Middle East Journal* 52, no. 2 (Spring 1998): 228, <http://www.jstor.org/stable/4329187> (accessed March 17, 2015).

<sup>102</sup> Hicks, *Human Rights in the Arab World*, 71.

non-violent political opposition, and the trial of peaceful civilians in military courts has been widespread in Egypt ever since. Later that year, when the Muslim Brotherhood embarrassed the government with its far more effective relief response to a devastating earthquake that struck Cairo, Mubarak enacted Military Decree No. 4/1992, criminalizing the collection of any donations without prior government approval.<sup>103</sup>

Suppressing opposition, Islamist and otherwise, was the state's primary goal. In addition to Islamist terrorists, the Mubarak government was fearful of the Muslim Brotherhood's rapid growth as a domestic social and political force. To that end, the regime repeatedly interfered in elections of all kinds, including those in professional syndicates, where the Brotherhood had found great success,<sup>104</sup> and trade union elections.<sup>105</sup> Most importantly, the regime interfered violently in parliamentary elections. In the face of human rights organizations closely monitoring the 1995 parliamentary elections, the government rigged election lists, stuffed ballot boxes, blocked opposition marches, and launched a crackdown against the Muslim Brotherhood the likes of which had been "unseen since the 1950s."<sup>106</sup> The end result was 60 dead, hundreds injured, and a 94 percent parliamentary majority for the NDP.<sup>107, 108</sup>

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<sup>103</sup> Mona El-Ghobashy. "The Metamorphosis of the Egyptian Muslim Brothers," *International Journal of Middle East Studies* 37 no. 3 (August 2005): 381, <http://www.maxwell.syr.edu/uploadedFiles/exed/sites/ldf/Academic/Elghobashy.pdf> (accessed March 17, 2015).

<sup>104</sup> Kienle, "More than a Response to Islamism," 222.

<sup>105</sup> Ibid., 228.

<sup>106</sup> El-Ghobashy, "The Metamorphosis of the Egyptian Muslim Brothers," 384.

<sup>107</sup> Moustafa, *Human Rights in the Arab World*, 156.

<sup>108</sup> Kienle, "More than a Response to Islamism," 220.

It is also important to note that this political deliberalization corresponded with an ambitious neoliberal economic restructuring program.<sup>109</sup> The Economic Reform and Structural Adjustment Program (ERSAP) of the early 1990s led to the privatization of hundreds of public sector enterprises and the firing of thousands of workers,<sup>110</sup> the gutting of healthcare and education systems,<sup>111</sup> the dispossession of thousands of peasants and farmers of their land,<sup>112</sup> the stagnation of wages and the widening of Egypt's poverty gap,<sup>113</sup> and the enrichment of a cadre of high-level government figures and associates through private-sector corruption related to industry privatization and foreign aid conditional on structural adjustment.<sup>114</sup> Thus, as Kienle notes, political deliberalization and the repression of domestic dissent was in many ways "the immediate corollary" of structural reform, meant to quash any opposition to the neoliberal remaking of the Egyptian economy.<sup>115</sup>

Simultaneously, the Mubarak government also led a harsh crackdown on NGOs, and especially human rights organizations. The nascent human rights movement defended Islamists, cooperated with opposition parties, monitored elections, challenged the constitutionality of structural reform, and openly disparaged the Egyptian state in

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<sup>109</sup> Beinín and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 210.

<sup>110</sup> Ibid., 211.

<sup>111</sup> Walter Armbrust, "The Revolution Against Neoliberalism." *Jadaliyya.com*, February 23 2011, <http://www.jadaliyya.com/pages/index/717/the-revolution-against-neoliberalism-> (accessed March 19, 2015).

<sup>112</sup> Ray Bush. "Politics, power and poverty: twenty years of agricultural reform and market liberalisation in Egypt," *Third World Quarterly* 28 no. 8 (2007): 1599, <http://dx.doi.org/10.1080/01436590701637441> (accessed March 17, 2015).

<sup>113</sup> Armbrust, "The Revolution Against Neoliberalism."

<sup>114</sup> Ibid.

<sup>115</sup> Kienle, "More than a Response to Islamism," 222.



international fora. Accordingly, in early 1995, the Ministry of Justice ruled unilaterally that advocacy organizations that had registered as civil companies—every human rights organization, essentially—would all be prosecuted if they did not register in accordance with Law 32/1964.<sup>116</sup> And though the state did not take direct action against rights organizations immediately, it targeted them in other ways, warning international donors against funding “illegal” organizations and instigating a smear campaign in state media, decrying human rights activists as terrorist sympathizers and foreign agents.<sup>117</sup> Later, in 1998, the regime, infuriated by an EOHR report documenting the torture of hundreds of citizens by state security forces, detained director Hafez Abu Saada and charged him with “receiving money from a foreign country in order to damage the national interest,” in violation of Military Decree No. 4/1992.<sup>118</sup>

The detention of Abu Saada was a warning shot signaling a broader campaign to come against rights organizations. In 1999, the regime announced plans to draft a new law regulating nongovernmental associations in Egypt, intended to replace Law 32/1964. The process involved a consultative period with civil society NGOs, producing a draft that many considered a major improvement to Law 32/1964.<sup>119</sup> But the government ultimately deleted nearly all civil society contributions from the draft law and then deployed state-owned and state-affiliated media in a propaganda campaign that decried human rights organizations as corrupt foreign agents and “a massive scam.”<sup>120</sup> The end result was Law

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<sup>116</sup> Hicks, *Human Rights in the Arab World*, 79.

<sup>117</sup> Ibid.

<sup>118</sup> Moustafa, *Human Rights in the Arab World*, 163.

<sup>119</sup> Langohr, “Too Much Civil Society,” 196.

<sup>120</sup> Ibid.

153/1999, a law on associations that was more restrictive and repressive than Law 32/1964 and closed the loophole allowing NGOs to register as not-for-profit civil companies.<sup>121</sup> Further, Law 153/1999 made official registration with the Ministry of Social Solidarity both mandatory and exceedingly difficult, canonized the requirement that all organizations receive government approval before accepting any foreign funding, established strong state oversight over the activities of all registered organizations, and forbade NGOs from participating in the vague category of “political and unionist activity.”<sup>122 123</sup>

### ***3.2.3 The Trajectory of Egyptian Human Rights Organizations***

Arguably, the 1990s presented Egypt’s human rights movement with its best opportunity to establish itself as a true domestic political force with deep roots in society. Despite concerted government efforts to control them, human rights organizations, up until the last two years of the decade, achieved a surprising level of success, both in the courts and on the international stage. And crucially, though the state was greatly bothered by their activities and sought to restrain them, Mubarak’s machinery for silencing advocacy NGOs was not yet fully operational. At the same time, people around the country were suffering. The lot of Egypt’s poor and middle classes had worsened substantially after the end of Nasser-era statism, and the dramatic structural reform accompanying ERSAP accelerated that process greatly. As such, conditions in the 1990s appeared ripe for human rights organizations to expand their influence, build broad-based coalitions, and secure their own

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<sup>121</sup> Masonis El-Gawhary, “Egyptian Advocacy NGOs.”

<sup>122</sup> An-Na’im, “Human Rights in The Arab World,” 718.

<sup>123</sup> Masonis El-Gawhary, “Egyptian Advocacy NGOs.”

indigenous legitimacy. But rights groups were not successful in doing this. Whether this was a failure on the part of human rights organizations or if the state simply granted them no latitude to pursue such strategies is a matter of some debate. Regardless, the direction of the human rights movement in the 1990s was not conducive to the investment of large, domestic constituencies in human rights work.

Firstly, rights organizations began accepting and pursuing foreign sources of funding for their activities in the 1990s. The decision was a controversial one; activists at the time knew well the ease with which the government could stir up public doubt surrounding the motives of American and European funding.<sup>124</sup> Still, rights organizations ultimately calculated that without foreign funding, Egypt's human rights movement would fizzle out, and thus quickly established relationships with Western governmental and nongovernmental funders. Unfortunately, the human rights community quickly grew to rely entirely on foreign funding, a condition that persists today. Hicks writes:

What started out as a choice quickly became a dependency. Professionals staffed what had once been voluntary institutions. [...] Most of these new organizations made no effort to create a base of local support through developing a membership core; instead they relied almost completely on foreign funding.<sup>125</sup>

Many of the allegations of elitism, isolation, and inauthenticity that continue to plague human rights defenders in Egypt today can be traced back to this period. Some of the scholars cited in the previous chapter—Abdullahi An-Na'im, for example—identify the decision of rights organizations to forsake small-scale operations and local legitimacy for greater funding as a critical mistake. On the other hand, Hicks points out that such criticism

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<sup>124</sup> Hicks, *Human Rights in the Arab World*, 78.

<sup>125</sup> Ibid.

is easy to levy “with the benefit of hindsight,” and that the movement likely would have otherwise “[withered] from inattention and want of resources.”<sup>126</sup> Irrespective of whether one believes that Egyptian rights organizations could feasibly have developed bases of local financial support rather than choosing to rely on foreign funders, it is undeniable that the funding dynamic that ultimately developed has had significant ramifications for the human rights community’s indigenous legitimacy and its vulnerability to government manipulation of its image.

Equally important, rights groups in the 1990s differed over the roles of human rights organizations vis-à-vis Egyptian state and society. Should they pursue grassroots mobilization and constituency-building strategies and make a concerted effort to build a popular movement capable of standing in opposition to the state? Or should they remain impartial watchdogs, documenting the violations of the state for the international stage? In 1994, EOHR was locked in a battle for control between Nasserist and leftist factions. The leftist group advocated maintaining EOHR’s membership model, expanding membership even further, and pursuing mass mobilization strategies, while the Nasserists wanted to close ranks and limit the organization’s growth and membership.<sup>127</sup> The Nasserists eventually won out, membership was closed, and EOHR began to function almost solely as a documentation and litigation organization.<sup>128</sup> Later, following the government’s announcement of Law 153/1999, a larger rift developed between rights groups that thought it best to register with the government and “fight the new associations law through official

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<sup>126</sup> Ibid.

<sup>127</sup> Ibid., 76.

<sup>128</sup> Fateh Azzam, interviewed by Ben Pitler, Beirut, Lebanon, February 2015.

avenues”<sup>129</sup> and those that “called on nongovernmental organizations to spearhead fundamental political change.”<sup>130</sup> This division produced bitter disagreements over the extent to which human rights NGOs should take up the mantle of political opposition. Some organizations, like CHRLA, were literally torn apart by the debate, just as EOHR had been a few years earlier.<sup>131</sup>

These fundamental debates within Egypt’s human rights sphere echo the questions raised in the last chapter: what is the role of a human rights organization amidst authoritarianism, especially when the state has thoroughly collared opposition political parties? Should rights organizations comply with the undue restrictions placed on civil society and fight the state from within its own paradigm? Or should they resist that paradigm entirely, impossible though it may seem, and seek to achieve “fundamental political change” by cultivating popular mobilization? Decisions to move away from membership models, grassroots mobilization, and direct political opposition of the state are understandable, given that pursuing such tactics likely would have exposed human rights groups to even greater government hostility. Nevertheless, the strategies rights organizations did pursue during this period likely hampered their ability to contribute to the development of a broad-based social movement down the road. Hicks writes:

When the government stepped up its repression of the human rights movement in the late 1990s, the movement’s failure to develop strong roots in society was exposed. The authorities faced little opposition to their characterization of the movement as an inauthentic, alien implant working against the interests of the nation. [...] The failure to build a broad local base for human rights [...] was a major impediment to human rights implementation in Egypt. The domestic

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<sup>129</sup> Moustafa, *Human Rights in the Arab World*, 164.

<sup>130</sup> Langohr, “Too Much Civil Society,” 197.

<sup>131</sup> Moustafa, *Human Rights in the Arab World*, 164.

political isolation of the human rights movement has broadened the body of domestic opinion willing to engage in damaging public criticism of the movement.<sup>132</sup>

### **3.3 The 2000s and the Path to Revolution**

The Mubarak regime dealt several crushing blows to human rights organizations in the late 1990s and early 2000s. Over the next decade, as the state relinquished some of its grip on public space, that assault would lessen, but most rights groups had already turned away from membership models and grassroots mobilization strategies in favor of more professionalized structures and dependencies on Western sources of funding. Accordingly, during this period rights organizations largely operated within the space ceded to them, and many individual activists allied themselves to the growing anti-Mubarak protest movement developing in Cairo.

#### ***3.3.1 The State and Human Rights in the 2000s***

The 2000s provided a curious environment for human rights organizations. In the first part of the decade, the government continued its harsh late-1990s campaign against the human rights community. Following two landmark decisions wherein the SCC shockingly struck down Law 153/1999<sup>133</sup> and then declared that the upcoming 2000 parliamentary elections should be subject to full judicial supervision,<sup>134</sup> the Mubarak regime set out to

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<sup>132</sup> Hicks, *Human Rights in the Arab World*, 77.

<sup>133</sup> Moustafa, *Human Rights in the Arab World*, 165.

<sup>134</sup> Jason Brownlee. "The Decline of Pluralism in Mubarak's Egypt," *Journal of Democracy* 13 no. 4 (October 2002): 8, <http://muse.jhu.edu/journals/jod/summaryv013/13.4brownlee.html> (accessed April 15, 2015).

silence both the SCC and human rights NGOs. The Court was broken up and neutralized<sup>135</sup> and a new, equally restrictive NGO law, Law 84/2002, was pushed through parliament.<sup>136</sup> By the time the regime arrested famous academic and rights activist Saad Eddin Ibrahim on charges of "tarnishing the nation's image" and accepting foreign donations (from the EU) without state permission,<sup>137</sup> "the human rights movement and opposition activists had been so weakened by the government's continuous assaults they could do little to oppose it."<sup>138</sup>

By 2005, however, the state had begun to take a much softer approach to rights groups and to political opposition in general. Mubarak knew his time as president was coming to an end, and he planned to hand over his office to his son Gamal. As such, the regime wished to burnish its image ahead of the coming transfer of power and combat the perception that the NDP was an entirely nepotistic enterprise.<sup>139</sup> Further, the growing momentum of anti-government protests in Cairo and increased pressure from the Bush administration to liberalize gave the government incentive to allow for some increased political space.<sup>140</sup> Accordingly, the Mubarak regime shifted from outright suppression of rights groups to attempts to co-opt certain aspects of rights rhetoric while still engaging in

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<sup>135</sup> Brownlee, "The Decline of Pluralism in Mubarak's Egypt," 9.

<sup>136</sup> Mohamed Agati. "Undermining Standards of Good Governance: Egypt's NGO Law and its Impact on the Transparency and Accountability of CSOs," *International Journal of Not-for-Profit Law* 9 no. 2 (April 2007): 7, [http://www.icnl.org/research/journal/vol9iss2/special\\_4.htm#\\_ftn1](http://www.icnl.org/research/journal/vol9iss2/special_4.htm#_ftn1) (accessed April 15, 2015).

<sup>137</sup> Angela Grunert. "Loss of Guiding Values and Support: September 11 and the Isolation of Human Rights Organizations in Egypt," *Mediterranean Politics* 8 no. 2 (September 2007): 142, <http://dx.doi.org/10.1080/13629390308230009> (accessed April 15, 2015).

<sup>138</sup> Moustafa, *Human Rights in the Arab World*, 172.

<sup>139</sup> SOURCE

<sup>140</sup> Joe Stork. "Egypt: Human Rights in Transition," *Social Research: An International Quarterly* 79 no. 2 (Summer 2012): 470, <http://muse.jhu.edu/journals/sor/summary/v079/79.2.stork.html> (accessed April 15, 2015).

repression behind the scenes. In 2003, for example, the government established the National Council for Human Rights (NCHR), a now common form of so-called GONGO (governmental non-governmental organization).<sup>141</sup> This body, while lauded by some as a “positive step...populated by individuals with credentials in the field of human rights,”<sup>142</sup> was hardly independent and existed largely to shield the government from criticism. Maha Abdelrahman describes the establishment of the NCHR as the state “[refining] its discourse on the role of civil society and human rights organisations by promoting an image of itself as the true patron of civil society organisations and the ‘official agent’ of a more nationalistically defined human rights movement.”<sup>143</sup>

Of course, none of this should be mistaken for genuine respect for human rights or a newfound affinity for rights organizations. Torture grew even more widespread during this period, both within clandestine Interior Ministry detention sites and everyday police stations.<sup>144</sup> Illegal land seizures continued to mount. The Mubarak government simply calculated that if it nationalized the human rights movement rather than destroying it outright, this would provide the regime some cover for its ongoing violations. Accordingly, the government saw fit to adopt human rights rhetoric as its own, allowing the regime to

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<sup>141</sup> Anna Vakil. “Confronting the Classification Problem: Toward a Taxonomy of NGOs,” *World Development* 25 no. 12 (1997): 2060, <http://www.sciencedirect.com/science/article/pii/S03057550X97000983> (accessed April 15, 2015).

<sup>142</sup> Michelle Dunne and Amr Hamzawy. “The Ups and Downs of Political Reform in Egypt,” in *Beyond the Facade: Political Reform in the Arab World*, eds. Marina Ottaway and Julia Choucair-Vizoso (Washington, DC: Carnegie Endowment for International Peace, 2008), 29-30.

<sup>143</sup> Maha Abdelrahman. “The Nationalisation of the Human Rights Debate in Egypt,” *Nations and Nationalism* 13 no. 2 (2007): 287, <http://dx.doi.org/10.1111/j.1469-8129.2007.00275.x> (accessed April 18, 2015).

<sup>144</sup> Stork, “Egypt: Human Rights in Transition,” 467.



tout its respect for human rights, “never [letting] slip the pretense that Egypt was a firm supporter of the international human rights regime.”<sup>145</sup> Further, in establishing the NCHR and nationalizing the human rights debate, the government committed itself to

the exposure of individuals and groups who claim to be the defendants of human rights in Egypt. These individuals [were] finally going to be silenced by the introduction of a new local and nationalist version of human rights, unlike the external discourse of human rights which has attempted for so long ‘to enforce on us alien forms of democracy that were never suitable to our real needs and our indigenous values and traditions.’<sup>146</sup>

As Joe Stork notes, this was a means for the regime to “[stifle] independent human rights activism and [insist] on a leading government role in formulating the discourse about human rights violations in the country.”<sup>147</sup>

### ***3.3.2 Rights Organizations and the Leftist Opposition***

Government smear campaigns against rights groups persisted in the media, but the decrease in direct state action against human rights organizations allowed the movement to continue to expand. New organizations with both specific and general rights focuses, including the Egyptian Initiative for Personal Rights (EIPR), the Egyptian Center for Economic and Social Rights (ECESR), and the Association for Freedom of Thought and Expression (AFTE), were established. The work of these organizations “helped make human rights an inescapable frame of reference for the media, especially the new and more independent media, for political parties, including Islamists, and for the government

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<sup>145</sup> Hicks, *Human Rights in the Arab World*, 68.

<sup>146</sup> Abdelrahman, “The Nationalisation of the Human Rights Debate in Egypt,” 297.

<sup>147</sup> Stork, “Egypt: Human Rights in Transition,” 470.

itself.”<sup>148</sup> Organizations continued to utilize various advocacy strategies, including legal aid, research, public education, and litigation.<sup>149</sup> While this approach may not have ameliorated the human rights movement’s issues with isolation and its lack of sizable domestic constituencies, it did result in some successes. The documentation and “naming and shaming” work of rights groups during this period forced the government to prosecute some individual police officers in instances of undeniable torture, and the number of detentions associated with the emergency law dropped markedly.<sup>150</sup> Further, the ECESR successfully challenged the government to raise Egypt’s minimum wage<sup>151</sup> and the EIPR lobbied for the freezing of prices on a number of pharmaceuticals.<sup>152</sup>

Many human rights activists were also involved on an individual level with the unprecedented public protest movement that took shape in Cairo during the decade. At first, these protests focused largely on events outside Egypt’s borders. In 2000, a number of human rights NGOs, along with prominent Nasserists and leftists, established the Popular Committee in Solidarity with the Palestinian Intifada, a group that would go on to organize numerous demonstrations over the next four years in support of the second Intifada and later against the US invasion of Iraq.<sup>153</sup> Eventually, the anti-Mubarak movement known as Kifaya (“Enough” in Arabic) grew out of these demonstrations, “seizing the opportunity of

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<sup>148</sup> Ibid.

<sup>149</sup> Hicks, *Human Rights in the Arab World*, 87.

<sup>150</sup> Stork, “Egypt: Human Rights in Transition,” 470.

<sup>151</sup> Jano Charbel, “NGO challenges government failure to raise national minimum wage,” *Egypt Independent*, May 10, 2010, <http://www.egyptindependent.com/news/ngo-challenges-govt-failure-raise-national-minimum-wage> (accessed May 1, 2015).

<sup>152</sup> Egyptian Initiative for Personal Rights, “Government Must Resist Pressures from American Pharmaceuticals.” <http://eipr.org/node/245> (accessed May 1, 2015).

<sup>153</sup> Beinun and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 209.

limited political liberalization.”<sup>154</sup> From late 2004, Kifaya began organizing public demonstrations protesting what was widely believed to be Mubarak’s intention to transfer the presidency to his son. The contingent of leftist intellectuals—including many human rights activists—agitating for political change in Cairo would continue to swell, “[breaking] taboos and [establishing] a right to demonstrate and talk about the country frankly.”<sup>155</sup>

While Kifaya eventually fizzled out by 2007,<sup>156</sup> several other groups, including Mohammed el-Baradei’s National Association for Change (NAC), took up the mantle of public agitation against Mubarak’s electoral fraud and the planned transfer of power to his son. Individual members of human rights groups were deeply involved in this anti-Mubarak movement. Figures from the HMLC were central to planning the pro-Intifada protests<sup>157</sup> and to turning those protests towards anti-Mubarak sentiment and initiating Kifaya.<sup>158</sup> Then, once operational, Kifaya counted many human rights activists among its members.<sup>159</sup> In this way, Holger Albrecht notes, human rights activists during this period helped to “[take] opposition politics to the street [...] [overcoming] previously established red lines of contentious activism.”<sup>160</sup>

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<sup>154</sup> Ibid., 210.

<sup>155</sup> Courtney Radsch, “Core to Commonplace: The evolution of Egypt’s blogosphere.” *Arab Media & Society* 6 (Fall 2008): 2, <http://www.arabmediasociety.com/?article=692> (accessed May 3, 2015).

<sup>156</sup> Dunne and Hamzawy, *Beyond the Facade*, 24.

<sup>157</sup> Hossam El-Hamalawy, “Comrades and Brothers.” *Middle East Report* 242 no. 37 (Spring 2007), <http://www.merip.org/mer/mer242/comrades-brothers> (accessed May 3, 2015).

<sup>158</sup> Holger Albrecht, *Raging Against the Machine: Political Opposition Under Authoritarianism in Egypt* (Ithaca, NY: Syracuse University Press, 2013), 80.

<sup>159</sup> Albrecht, *Raging Against the Machine*, 74.

<sup>160</sup> Albrecht, *Raging Against the Machine*, 10.

### ***3.3.3 Rights Organizations without Constituencies***

In the decade leading up to the revolution, human rights groups largely settled into the roles they had selected for themselves following the rift in the movement related to Law 153/1999. Most rights organizations abandoned membership structures; the EOHR was one of the few remaining organizations that purported to utilize a membership component, but its membership had been frozen since the mid-1990s.<sup>161</sup> Rights work remained largely limited to legal aid, some public education, government lobbying, awareness campaigns surrounding specific issues, reporting and documentation, and litigation (though the effectiveness of the latter technique was greatly curtailed following the neutralization of the SCC).<sup>162</sup> As noted above, these activities did produce some tangible positive effects. Still, most of these successes came in prosecutions of individual police officers or agreements from the government to reconsider specific laws; efforts to reach broader constituencies fell by the wayside, and most organizations eschewed programs that were too inherently politicized.<sup>163</sup> There were a few important exceptions to this rule, most notably the work of human rights lawyers with the Front to Defend Egyptian Protesters (FDEP) and the April 6 Youth movement and the work of the HMLC, the LCHR, the Center for Housing Rights,

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<sup>161</sup> Mohamed Hussein El-Naggar, “Human Rights Organizations and the Egyptian Revolution.” *Institute for Development Studies Bulletin* 43 no. 1 (January 2012): 79

<sup>162</sup> Ibid.

<sup>163</sup> Grunert, “Loss of Guiding Values and Support,” 145.

and the CTUWS, which were, in many ways, ahead of their time.<sup>164</sup> Still, by and large, “human rights groups stuck to “naming and shaming” because it worked.”<sup>165</sup>

In this context, the involvement of human rights activists in the early pro-Intifada and anti-Iraq war protests and their centrality to the emergence of the Kifaya movement make sense. As many human rights organizations themselves became institutionally less radical and more insular, individual activists were drawn to the amorphous opposition movement taking ever more public stances in Cairo. However, Kifaya and its successors in the Cairo-based anti-Mubarak protest movement shared a central weakness with human rights organizations. Despite these groups’ engagement in unprecedented public anti-government protest, they were greatly hampered by their own elitism and disconnectedness from the majority of Egyptians. This was a problem from which the human rights community also suffered, and it was reflective of the makeup of these opposition groups, which was largely drawn from Cairo based-NGOs, opposition political figures, and leftist intellectuals.<sup>166</sup>

The importance to the revolution of Kifaya and the larger leftist anti-Mubarak coalition in Cairo is much ballyhooed, but the attention paid to this very visible but relatively small number of urban agitators tends to overshadow the much larger and arguably more important movement that was coalescing elsewhere during the same time

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<sup>164</sup> Heba Morayef, “Reexamining Human Rights Change in Egypt.” *Middle East Report* 274 no. 45 (Spring 2015), <http://www.merip.org/mer/mer274/reexamining-human-rights-change-egypt> (accessed May 8, 2015).

<sup>165</sup> Ibid.

<sup>166</sup> Amr Hamzawy and Marina Ottaway, “Protest Movements and Political Change in the Arab World.” Carnegie Endowment for International Peace (January 28, 2011): 8, [http://carnegieendowment.org/files/OttawayHamzawy\\_Outlook\\_Jan11\\_ProtestMovements.pdf](http://carnegieendowment.org/files/OttawayHamzawy_Outlook_Jan11_ProtestMovements.pdf) (accessed May 5, 2015).

period. The truth is that economic protests in the rest of the country dwarfed whatever politically motivated demonstrations were taking place in the capital. To be sure, Egyptians everywhere reviled Mubarak and his son, but the economic depredation produced by structural adjustment and the attendant graft were sources of far greater reservoirs of anger. Following a second, even more intense phase of neoliberal economic reform undertaken by government figures close to Gamal Mubarak, Egypt's poverty gap widened even further, food prices skyrocketed, and wages tanked.<sup>167</sup> In response, workers strikes, which had been increasing since 1998, spiked dramatically; 614 separate strikes were recorded in 2007 alone.<sup>168</sup> These strikes began in the textile industry, but by 2007 had spread to "virtually every industrial sector." The seemingly endless work stoppages and wildcat strikes in response to both economic restructuring and related government corruption and embezzlement would prove a key impetus for the revolution.

Curiously, the leftist opposition in Cairo, including both human rights organizations and Kifaya, never fully tapped into this socioeconomic anti-government resentment smoldering beyond the capital. The Cairo-based anti-Mubarak coalition ultimately proved ineffective because it "failed to expand its pro-reform platform beyond opposition to President Mubarak [...] and the rise of Gamal."<sup>169</sup> Further, human rights organizations mostly failed to connect with the increasingly dissatisfied masses outside of Cairo. The LCHR continued its work with farmers, the HMLC defended wildcat strikers, and the CTUWS and the Coordinating Committee for Trade Union and Workers Rights and

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<sup>167</sup> Beinín and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 211.

<sup>168</sup> Ibid.

<sup>169</sup> Dunne and Hamzawy, *Beyond the Facade*, 24.

Liberties (CCTUWRL) established ties with workers.<sup>170</sup> But by and large, “the middle class, urban, oppositional intelligentsia”—including human rights groups, opposition parties, and the loose protest coalition surrounding Kifaya—had very little connection to workers, peasants, farmers, or really any sizable constituency outside of Cairo.<sup>171</sup>

Mohamed Hussein el-Naggar writes:

Despite the fact that these protests could have provided fertile ground for civil society organisations [...] to form a populist constituency, they never really made a genuine effort to engage with the actors or the events. Human rights organisations never sought to establish coalitions with labour or syndicate movements, and the notion of collective action remained poor; they worked as separate islands suffering from overlap in their activities and lack of outreach.<sup>172</sup>

While I take issue with the contention that human rights groups *never* sought to establish coalitions with these movements, it is true that such efforts were limited. El-Naggar rightly points out that the aspirations of Egypt’s human rights movement have not been “fundamentally revolutionary.”<sup>173</sup> Still, the failure of human rights organizations in the 2000s to engage in constituency building not only with laborers, but with non-activist Egyptians of all stripes, came at a price. While it may not be the task of human rights activists to foment revolution, the following sections demonstrate that once the revolution did come, rights groups’ weak connections to constituencies outside the Cairo-based leftist intelligentsia seriously hampered their capacity to push transitional authorities to respect human rights.

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<sup>170</sup> Beinín and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 209.

<sup>171</sup> Ibid.

<sup>172</sup> Hussein El-Naggar, “Human Rights Organizations and the Egyptian Revolution,” 81-82.

<sup>173</sup> Ibid., 78.

### 3.4 The Revolution

Though Egypt had been embroiled in public demonstrations for years before the revolution began, the uprising's genesis was set into motion by events in 2010. First, June brought the now infamous torture and murder of Alexandria man Khaled Saeed at the hands of the police. Photos of Saeed's mutilated body began to circulate widely, and the We Are All Khaled Saeed Facebook page materialized in his honor, railing against police brutality and attracting hundreds of thousands of members.<sup>174</sup> Saeed's death was followed by numerous anti-police protests in Cairo and Alexandria.<sup>175</sup> Of course, Saeed was just one of many individuals tortured and killed by police during the Mubarak era, but We Are All Khaled Saeed's success in disseminating the grisly images of his battered face brought the issue of police violence to the forefront. With anti-police demonstrations taking place in the cities and economic protests and strikes raging in the rest of the country, the highly fraudulent December 2010 parliamentary elections were the last straw. Under heavy police supervision, the NDP won 97 percent of all seats, "[outraging] political elites and ordinary people alike, spurring a unified opposition protest on December 12, and leaving behind fresh memories of street battles in dozens of districts across the country."<sup>176</sup>

Against this backdrop of deep public dissatisfaction, a collection of organizers formulated a call for mass public protest on January 25, 2011, a day the Egyptian

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<sup>174</sup> Stork, "Egypt: Human Rights in Transition," 464.

<sup>175</sup> Noha El-Hennawy, "We are all Khaled Saeed: Redefining political demonstration in Egypt." *Egypt Independent*, April 8, 2010, <http://www.egyptindependent.com/news/we-are-all-khaled-saeed-redefining-political-demonstration-egypt> (accessed May 6, 2015).

<sup>176</sup> Mona El-Ghobashy, "The Praxis of the Egyptian Revolution." *Middle East Report* 258 no. 41 (Spring 2011), <http://www.merip.org/mer/mer258/praxis-egyptian-revolution> (accessed May 8, 2015).



government had designated to honor the hated police forces. The April 6 Youth Movement, the We Are All Khaled Saeed group and Mohammed el-Baradei's NAC all called for demonstrations.<sup>177</sup> These three groups were instrumental in coordinating the earliest protests on January 25<sup>th</sup>. Marches to Tahrir Square drew far more people than anyone imagined and demonstrators refused to be swayed, returning day after day until they entirely overwhelmed security forces. The Muslim Brotherhood, whose leadership had waffled in the first few days of the revolution, initially distancing the Brothers from the demonstrations, eventually mobilized on January 28<sup>th</sup>, helping to tip the balance of power in favor of demonstrators.<sup>178</sup> Eventually, the persistence of protesters all over Egypt, including thousands of labor strikers outside the capital, "produced a sudden change in the balance of resources between rulers and ruled," forcing the military to step in and tacitly force Mubarak out.<sup>179</sup>

### ***3.4.1 The Revolutionary Coalition***

Attempts to credit the revolution's success to one particular group of Egyptians, while common, are unproductive. To some, this was the "Facebook revolution."<sup>180</sup> To

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<sup>177</sup> Yusey Ahmed Ezbawy, "The Role of the Youth's New Protest Movements in the January 25th Revolution." *Institute for Development Studies Bulletin* 43 no. 1 (January 2012): 29

<sup>178</sup> H.A. Hellyer, "Faking Egypt's past: the Brotherhood and Jan. 25." *Al-Arabiya*, January 20, 2014, <http://english.alarabiya.net/en/views/news/middle-east/2014/01/20/Faking-Egypt-s-past-the-Brotherhood-and-Jan-25.html> (accessed May 20, 2015).

<sup>179</sup> El-Ghobashy, "The Praxis of the Egyptian Revolution."

<sup>180</sup> Jose Antonio Vargas, "Spring Awakening: How an Egyptian Revolution Began on Facebook." *The New York Times*, February 17, 2012, <http://www.nytimes.com/2012/02/19/books/review/how-an-egyptian-revolution-began-on-facebook.html> (accessed May 9, 2015).

others, it was the culmination of Kifaya's efforts.<sup>181</sup> The post-coup period has produced conspiracy theories about the entire uprising being a Brotherhood-engineered power grab.<sup>182</sup> In reality, the revolution was an expression of a decade of collective action linked to frustration with various aspects of Mubarak-era authoritarianism.<sup>183</sup> Further, that frustration was nothing new; Mubarak had been reviled for years. It just so happened that between January 25 and February 11, 2011, the efforts and interests of a diverse coalition of actors converged for a brief moment, and their combined power was enough to oust Mubarak. Mona el-Ghobashy contends that the revolution succeeded thanks to a short-lived convergence between "three organizational infrastructures of protest," in reference to labor protesters, "neighborhood protest" in small towns and farming communities, and "associational protest" by leftists and human rights activists in Cairo.<sup>184</sup> This was "a sight unseen in modern Egyptian police rule," el-Ghobashy writes. "[It was] the one and only time that Egypt's three protest subcultures were able to jointly defeat the coercive apparatus that had existed to keep them apart."<sup>185</sup>

This revolutionary coalition was hardly organized. Aside from some attempts by the "associational" forces in Cairo to specify demonstration locations in el-Mahalla el-Kubra and other areas outside of the capital,<sup>186</sup> there was scarce coordination between the

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<sup>181</sup> Hossam El-Hamalawy. "Egypt's revolution has been 10 years in the making." *The Guardian*, March 2, 2011, <http://www.theguardian.com/commentisfree/2011/mar/02/egypt-revolution-mubarak-wall-of-fear> (accessed April 26, 2015).

<sup>182</sup> Hellyer, "Faking Egypt's past."

<sup>183</sup> El-Ghobashy, "The Praxis of the Egyptian Revolution."

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> Ezbawy, "The Role of the Youth's New Protest Movements in the January 25th Revolution," 29.

three subcultures.<sup>187</sup> Further, while huge street demonstrations in Cairo may have been the lead story on CNN, economic and labor protests in the rest of the country brought Egypt and its economy to a standstill. In February 2011 alone, 489 separate work stoppages were recorded across the country.<sup>188</sup> Quoting the Sons of the Land Center for Human Rights, Joel Beinin notes, “the economic paralysis created by the strikes ‘was one of the most important factors leading to the rapidity of Mubarak’s decision to leave.’”<sup>189</sup> Indeed, some analysts believe that We Are All Khaled Saeed and April 6<sup>th</sup> have been vastly over-credited, to the detriment of protesters raising economic demands. “Social media may have helped organize the kernel of a movement that eventually overthrew Mubarak,” Walter Armbrust writes, “but a large element of what got enough people into the streets to finally overwhelm the state security forces was economic grievances that are intrinsic to neoliberalism.”<sup>190</sup> The fact that only one in three Egyptians even had Internet access at the time of the revolution seems to lend credence to Armbrust’s claims.<sup>191</sup>

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<sup>187</sup> Beinin and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 224.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Armbrust, “The Revolution Against Neoliberalism.”

<sup>191</sup> ArabCrunch, “Egypt’s MCIT: Egypt Has 23.51 Million Internet Users, 71.46 Million Mobile Subscribers & 3972 ICT Companies.” <http://arabcrunch.com/2011/04/egypts-mcit-egypt-has-23-51-million-internet-users-71-46-million-mobile-subscribers-3972-ict-companies.html> (accessed May 5, 2015).

### 3.4.2 *The Revolution's Values*

Descriptions of the 2011 uprising as a “human rights revolution”<sup>192</sup> are either misleading or accurate, depending on the purported function of human rights in the uprising. On one hand, some analysts have claimed that the 2011 revolution resulted from Egyptians’ cognizant engagement with notions of internationally protected human rights.<sup>193</sup> Observers often engage in “inadequately historicized explanations privileging the activities of the intelligentsia and the middle classes” when they inflate the role of human rights activists and the leftist opposition in stoking protest ahead of January 25<sup>th</sup>.<sup>194</sup> Stork’s assertion that rights groups “[made] human rights an inescapable frame of reference”<sup>195</sup> for media, opposition parties, and the state before the revolution certainly holds some truth, but the extent to which human rights rhetoric was really inescapable in pre-revolution Egypt is both debatable and unquantifiable. Further, while the state may have been focused intently on human rights organizations, most Egyptians were not. The pre-revolution societal isolation of human rights organizations is by now well established, so it seems clear that conscious engagement with human rights discourses, while perhaps present, was not a dominant feature of the entire uprising. As such, during the revolution, human rights

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<sup>192</sup> Amnesty International, “Middle East and North Africa: A Human Rights Revolution.” [http://www.amnesty.org.uk/sites/default/files/mena\\_leaflet\\_aug\\_2012.pdf](http://www.amnesty.org.uk/sites/default/files/mena_leaflet_aug_2012.pdf) (accessed May 5, 2015).

<sup>193</sup> Ikram Al Yacoub, “Amnesty: Uprising is a Human Rights Revolution.” *Al-Arabiya*, June 24, 2011, <http://www.alarabiya.net/articles/2011/06/24/154674.html> (accessed May 1, 2015).

<sup>194</sup> Beinin and Duboc, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*, 216.

<sup>195</sup> Stork, “Egypt: Human Rights in Transition,” 470.

organizations and activists were not leaders or mobilizers, but participants like anyone else.<sup>196, 197</sup>

On the other hand, to say that the demands made of the state and the method of their articulation were consonant with universal human rights principles is certainly true. The revolution's main slogans expressed demands for social justice and economic rights, while the issues of police torture, emergency law, and inadequate healthcare and education were also key elements.<sup>198</sup> Further, the notion of public protest demanding not only regime change but also that new leaders rectify specific rights issues is consistent with international law's requirements that the state provide these entitlements to its citizens. And again, while it may not be possible to quantify the extent to which these demands were an outgrowth of human rights organizations' efforts to publicize rights abuses over the previous decade, their work surely played a role. Former director of Human Rights Watch in Egypt Heba Morayef writes:

One could argue that the human rights community failed to build a movement to challenge the regime, that it remained sidelined and contained. But, even with such limited space to maneuver, human rights groups managed to be a perennial thorn in the side of the Mubarak regime. And when change came, it used rights-based language.<sup>199</sup>

Consequently, rights organizations at the time of Mubarak's ouster found themselves optimistic. The man who had pursued them relentlessly, illegalized their activities, and committed widespread rights violations was gone. Moreover, the revolution

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<sup>196</sup> Hussein El-Naggar, "Human Rights Organizations and the Egyptian Revolution," 84.

<sup>197</sup> In fact, during the revolution the HMLC temporarily converted its offices into a field hospital for injured demonstrators.

<sup>198</sup> Armbrust, "The Revolution Against Neoliberalism."

<sup>199</sup> Morayef, "Reexamining Human Rights Change in Egypt."

appeared to have produced a dynamic in which unprecedented numbers of Egyptians would be receptive to rights organizations' arguments that the state owed them specific entitlements, and that they could and should take part in compelling it to deliver. However, as would soon become clear, the brief convergence between Egypt's "organizational infrastructures of protest" would be fleeting. Once the revolutionary coalition had disbanded and the state and its allied media outlets began to turn the tables on human rights organizations, their disconnectedness to the larger Egyptian populace would again rear its head.

### **3.5 The Early Counterrevolution**

The first six months following the revolution were a time of cautious optimism for rights activists. Despite the relative non-involvement of human rights organizations in the revolution, the Egyptian media engaged in some retroactive identification of revolutionary values with human rights principles and the work of human rights groups. Accordingly, the public profile of rights organizations increased dramatically for a short time. However, this would ultimately be short lived, as both the Supreme Council of the Armed Forces (SCAF) and the subsequent Muslim Brotherhood government helmed by Mohammed Morsi continued to commit wide-scale rights violations and persecute rights defenders.

#### ***3.5.1 A Mainstreaming of Human Rights***

Immediately following the revolution, the situation for human rights organizations changed completely. For the first time in recent memory, authorities were not actively

denigrating rights activists as traitors and agents of Western imperialism. To the contrary, human rights defenders and principles were celebrated publicly. Morayef has written at length about experiencing this dynamic in early 2011:

The 2011 uprising suddenly brought human rights center stage in public discourse, which human rights defenders found themselves with new power to shape. The killing of 846 people over three days in January 2011 meant that public anger focused on calls for accountability, justice for the victims and police reform. Demands such as ending the state of emergency were repeated everywhere by protesters and pro-revolution politicians, many of whom probably could not have explained the provisions of the law or why it mattered. [...] The human rights community experienced an unprecedented moment of power in early 2011. They were sought after by the media, in particular the influential evening talk shows on Egyptian TV. [...] People like Khalid 'Ali, Gamal Eid, Bahey el-Din Hassan, Hossam Bahgat and Ahmad Raghieb became fixtures on the talk shows. [...] In an age of social media, when followers and retweets are easily totted up, it is no exaggeration to say that human rights activists were among the most important shapers of opinion. This time, however, they could speak with the certainty of a constituency among street protesters at their backs. In Egypt, being on television bestowed new political status on human rights activists and facilitated better access to politicians and decision-makers. In those first six months, when the government and even the [SCAF] wanted to convey at least the appearance of responding to protester demands, the powers that be also for the first time opened their doors to human rights leaders. [...] Instead of arresting, smearing or ignoring the human rights defenders, the state had to pay attention to them as political actors in their own right.<sup>200</sup>

As detailed in chapter 5, the rights activists interviewed for this project echoed Morayef's sentiments. Further, interim government figures at the time made numerous encouraging statements regarding the future direction of the country. In February, the SCAF promised a swift end to emergency law.<sup>201</sup> In March, the interim president issued a statement on civil society:

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<sup>200</sup> Ibid.

<sup>201</sup> Jack Shenker, "Egyptians rally in Tahrir Square against return of emergency laws." *The Guardian*, September 16, 2011, <http://www.theguardian.com/world/2011/sep/16/egyptians-rally-tahrir-square-laws> (accessed April 30, 2015).

Regrettably, prior to the January 25 revolution, civil society work in Egypt was limited due to authoritarian practices as well as the absence of a conducive legislative environment. In the new Egypt, we are determined to ensure that civil society is empowered to play a vibrant role in the development of Egypt. Our primary objective is to facilitate, rather than limit, the work of NGOs so they can operate freely and within the bounds of the law.<sup>202</sup>

In June, the Prime Minister and Justice Minister told Human Rights Watch that Law 84/2002 would soon be amended. Indeed, in the early post-revolution period it seemed for a brief moment that the uprising had ushered in a dramatic shift.

### ***3.5.2 Public Space and Human Rights***

One principal effect of the revolution was to quickly open arenas of public space that had been controlled firmly by the Mubarak regime for years. Universities, squares, parks, streets, cafes—the once highly circumscribed Egyptian public sphere suddenly became fertile ground for the exchange of radical ideas that had not been possible in the country for decades. And though the military slowly reestablished control over public space, beginning in the SCAF period and coming to fruition under Sisi, the state of openness that held sway after the revolution allowed for the emergence of a number of grassroots social and political movements, many of which were based in human rights principles.

As the following section discusses, after May 2011 the environment for both professional human rights organizations and these more informal rights-based movements and campaigns became aggressively hostile. Nevertheless, a number of the latter have

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<sup>202</sup> Human Rights Watch, “Egypt: New Draft Law an Assault on Independent Groups.” May 30, 2013, <http://www.hrw.org/news/2013/05/30/egypt-new-draft-law-assault-independent-groups> (accessed May 2, 2015).



surfaced in the post-revolution period, in many cases as responses to the mounting violations perpetrated by the military. The aforementioned FDEP, established by volunteers from throughout the human rights community in 2010 to “mobilize support teams for arrested protesters and work towards their release,” was in many ways the forebear for the proliferation of similar groups that would follow.<sup>203</sup> In 2011, a loose coalition of human rights activists and others formed the No Military Trials for Civilians (NMTC) to “resist and condemn SCAF’s use of military trials and violations against civilians.”<sup>204</sup> NMTC disseminates information about the use of military trials, publicizes the issue in the media, and provides pro bono legal representation to those facing military tribunals. In late 2011, activists and revolutionaries formed the ‘Askar Kazeboon group (*The Military are Liars* in Arabic), a public outreach and media campaign designed to circulate information regarding the SCAF’s lies about its violations. Kazeboon members staged high-risk screenings of videos condemning the military and exposing its violations in governorates around the country.<sup>205</sup> 2012 brought the founding of the We Will Find Them group, an independent advocacy campaign working to ascertain the whereabouts of the more than 1,200 Egyptians who have gone missing in the period since January 25<sup>th</sup>, 2011.<sup>206</sup> In 2013, former members

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<sup>203</sup> John Lannon, “Foreword,” in *Human Rights and Information Communication Technologies: Trends and Consequences of Use*, eds. Edward Halpin and John Lannon (Hershey, PA: IGI Global, 2012), ix.

<sup>204</sup> Lillian Bector. “Organizing for No Military Trials for Civilians: Interview with Egyptian Activist Shahira Abouellail.” *Jadaliyya.com*, November 6, 2011, [http://www.jadaliyya.com/pages/index/3069/organizing-for-no-military-trials-for-civilians\\_in](http://www.jadaliyya.com/pages/index/3069/organizing-for-no-military-trials-for-civilians_in) (accessed May 1, 2015).

<sup>205</sup> “Kazeboon: Egypt’s anti-military campaign.” *FreeSpeechDebate.com*, <http://freespeechdebate.com/en/case/kazeboon-egypts-anti-military-campaign/> (accessed May 3, 2015).

<sup>206</sup> Aya Samir, “‘We Will Find Them’ campaign seeks to find revolution’s missing

of ‘Askar Kazeboon founded the Manifesto campaign, a grassroots initiative aiming to “attract Egyptians who are presently enamored with [Sisi] back to revolutionary action” on the basis of the revolution’s initial demands of “bread, freedom, and social justice.”<sup>207</sup> In late 2013, activists and volunteers founded the Freedom for the Brave campaign, a grassroots movement advocating for the release of Egypt’s thousands of political prisoners.<sup>208</sup>

These groups, which come from a professional human rights background, also exist alongside Egypt’s thousands of “popular committees,” neighborhood-based collectives of Egyptian advocating for the rights of their communities, often succeeding in “[extracting] the provision of essential state services -- gas lines, lighting and health clinics” and whose members “refer to themselves as part of a social movement.”<sup>209</sup> Many observers have pointed to the emergence of this category of action in the post-revolution period as evidence that the revolution engendered a heightened awareness of the entitlements owed to Egyptians by their state and an increased willingness to agitate in demanding those entitlements. These groups are entirely self-funded and volunteer-based.

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persons.” *The Cairo Post*, September 14, 2014, <http://www.thecairopost.com/news/124863/news/we-will-find-them-campaign-seeks-to-find-revolutions-missing-persons> (accessed May 10, 2015).

<sup>207</sup> Mark LeVine, “Trapped inside the fear bubble of the Egyptian military.” *Al Jazeera*, August 12, 2013, <http://www.aljazeera.com/indepth/opinion/2013/08/20138128533439421.html> (accessed May 6, 2015).

<sup>208</sup> Mai Shaheen, “‘Freedom for the brave’ holds protest, calls for release of detainees.” *Al-Ahram Online*, April 3, 2014, <http://english.ahram.org.eg/NewsContent/1/64/98249/Egypt/Politics-/Freedom-for-the-brave-holds-protest,-calls-for-rel.aspx> (accessed May 5, 2015).

<sup>209</sup> Asya El-Meehy, “Egypt’s Popular Committees: From Moments of Madness to NGO Dilemmas.” *Middle East Report* 265, no. 42 (Winter 2012), <http://www.merip.org/mer/mer265/egypts-popular-committees> (accessed May 10, 2015).

Some retain close ties to professional human rights NGOs, as employees of these organizations are among the founders or members of many such movements, while others do not. These grassroots campaigns—like professional human rights groups—have experienced significant repression, especially since the 2013 coup, as the Sisi government has reasserted its grip over public space. Still, the continued existence of such groups and their ongoing cooperation with professional human rights organizations represents a major change from the Mubarak era.

### ***3.5.3 SCAF's Assault on Human Rights***

Unfortunately, the post-revolution honeymoon period for human rights organizations proved fleeting. The warm reception that human rights activists received from media and interim state actors “only lasted as long as the military felt pressure to deliver reform measures to deflect public anger.”<sup>210</sup> In reality, military troops, who remained in the streets after Mubarak’s ouster, began committing violent rights violations almost immediately, even while rights activists were being touted as heroes in the media. Throughout March and April 2011, soldiers killed protesters in Tahrir Square,<sup>211</sup> tortured detainees,<sup>212</sup> and sexually assaulted female demonstrators in so-called “virginity tests.”<sup>213</sup>

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<sup>210</sup> Morayef, “Reexamining Human Rights Change in Egypt.”

<sup>211</sup> Mona El-Naggar and Liam Stack, “2 Protesters Killed in Egypt’s Tahrir Square.” *The New York Times*, April 9, 2011, <http://www.nytimes.com/2011/04/10/world/middleeast/10egypt.html> (accessed May 8, 2015).

<sup>212</sup> Human Rights Watch, “Egypt: End Torture, Military Trials of Civilians.” March 11, 2011, <http://www.hrw.org/news/2011/03/11/egypt-end-torture-military-trials-civilians> (accessed May 10, 2015).

By June, rights organizations' time in the limelight had come to an end, and the interim government and its loyal media outlets turned on them too. In rapid succession, the military began targeting anyone associated with the revolution. Emergency legislation outlawed strikes of all kinds and referred strikers to military trials.<sup>214</sup> The SCAF publicly accused the April 6 Youth Movement of sowing strife between the army and the people.<sup>215</sup> Television channels began accusing Tahrir protest leaders of being foreign-funded agents working against Egyptian sovereignty.<sup>216</sup>

In the second half of 2011, conditions deteriorated rapidly. In July, the Ministry of International Cooperation announced it was initiating an investigation of all groups not registered under Law 84/2002.<sup>217</sup> In reality, this investigation focused solely on "civil society organizations receiving funding for human rights and democracy promotion."<sup>218</sup> Then, in October and November, soldiers killed nearly seventy peaceful demonstrators in two separate high profile incidents.<sup>219 220</sup> In December, on the basis of the investigation

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<sup>213</sup> Samiha Shafy, "'Horribly Humiliating': Egyptian Woman Tells of 'Virginity Tests'." *Der Spiegel*, June 10, 2011, <http://www.spiegel.de/international/world/horribly-humiliating-egyptian-woman-tells-of-virginity-tests-a-767365.html> (accessed May 8, 2015).

<sup>214</sup> Matt Bradley, "Egypt Strikes End, But Strife Doesn't." *The Wall Street Journal*, September 27, 2011, <http://www.wsj.com/articles/SB10001424052970204010604576594803610029750> (accessed May 9, 2015).

<sup>215</sup> Official Facebook Page of the Presidency of the Egyptian Cabinet, July 22, 2011, <https://www.facebook.com/photo.php?pid=1061531&id=202103219801266>

<sup>216</sup> Morayef, "Reexamining Human Rights Change in Egypt."

<sup>217</sup> Human Rights Watch, "Egypt: New Draft Law an Assault on Independent Groups." May 30, 2013, <http://www.hrw.org/news/2013/05/30/egypt-new-draft-law-assault-independent-groups> (accessed May 2, 2015).

<sup>218</sup> Morayef, "Reexamining Human Rights Change in Egypt."

<sup>219</sup> "Egypt: The legacy of Mohammed Mahmoud Street." *BBC Online*, November 19, 2012, <http://www.bbc.com/news/world-middle-east-20395260> (accessed May 10, 2015)

ordered by the Ministry of International Cooperation, authorities raided and closed the offices of 17 NGOs that were either Egyptian branches of international organizations or Egyptian NGOs receiving foreign funding.<sup>221</sup> Some of the organizations shuttered were so-called democracy and governance groups, like the National Democratic Institute (NDI) or Freedom House, but individual Egyptian human rights organizations, like the ACIJILP, were also targeted.<sup>222</sup> Finally, in February of 2012, the Cairo criminal court handed down indictments against 43 NGO workers, charging them with "accepting funds and benefits from an international organisation to pursue an activity prohibited by law."<sup>223</sup>

The reversal that took place in the eighteen months following the revolution was stunning. The interim military government's campaign against the human rights community and the sheer numbers of rights violations it perpetrated were both unprecedented. In the SCAF's year-and-a-half in power, nearly 12,000 civilians were referred to military trials.<sup>224</sup>

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<sup>220</sup> Mosireen. "The Maspero Massacre: What Really Happened." *Jadaliyya*, November 11, 2011, [http://www.jadaliyya.com/pages/index/3103/the-maspero-massacre\\_what-really-happened-\(video\)](http://www.jadaliyya.com/pages/index/3103/the-maspero-massacre_what-really-happened-(video)) (accessed May 5, 2015).

<sup>221</sup> Issandr El-Amrani, "Egypt's Raids on NGOs." *The Arabist*, December 30, 2011, <http://arabist.net/blog/2011/12/30/egypts-raids-on-ngos.html> (accessed May 5, 2015).

<sup>222</sup> Yasmine Fathi and Dina Samak, "Egypt authorities raid and close 17 NGO offices in Cairo." *Al-Ahram Online*, December 30, 2011, <http://arabist.net/blog/2011/12/30/egypts-raids-on-ngos.html> (accessed May 5, 2015).

<sup>223</sup> Abdel-Rahman Hussein, "Egyptian activists react with fury to criminal trial for NGO workers." *The Guardian*, February 6, 2012, <http://www.theguardian.com/world/2012/feb/06/egyptian-activists-trials-ngo-workers> (accessed May 10, 2012).

<sup>224</sup> Human Rights Watch, "Egypt: Retry or Free 12,000 After Unfair Military Trials." September 10, 2011, <http://www.hrw.org/news/2011/09/10/egypt-retry-or-free-12000-after-unfair-military-trials> (accessed May 4, 2015).

Detainees and demonstrators were routinely beaten and tortured.<sup>225</sup> Violent sectarian episodes were ignored.<sup>226</sup> Soldiers killed dozens of peaceful demonstrators on numerous occasions. And for the first time in recent memory, direct state action was taken to close down civil society organizations. All of this represented a serious deterioration in comparison to the Mubarak era, and its arrival within a year of the revolution and just months removed from the public feting of human rights activists made it all the more shocking. In hindsight, the trotting out of human rights defenders on television programs was likely highly choreographed; the whole exercise was reminiscent of the Mubarak regime's earlier attempts to co-opt human rights rhetoric for its own purposes just a few years earlier. Still, at the time, these were unbelievable developments.

### **3.6 The Mohammed Morsi presidency**

In June 2012, Egypt's first-ever free presidential election pitted Muslim Brotherhood representative Mohammed Morsi against hated Mubarak holdover Ahmed Shafiq. Morsi narrowly defeated Shafiq, thanks both to deep public mistrust of Shafiq and the Muslim Brotherhood's superior grassroots organizing capabilities. The Brothers were the oldest, largest, and best-organized oppositional group in the country, and it showed. Following Morsi's election, wide-scale rights violations continued. The Morsi regime waged broad assaults against freedom of expression, censoring the independent press and

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<sup>225</sup> Human Rights Watch, "Worse than Mubarak: SCAF'S Assault on Egyptian Rights." July 19, 2012, <http://www.hrw.org/news/2012/07/19/worse-mubarak-scaf-s-assault-egyptian-rights> (accessed May 5, 2015).

<sup>226</sup> Human Rights Watch, "Egypt: End Mubarak-Era Impunity for Sectarian Violence." July 16, 2012, <http://www.hrw.org/news/2012/07/16/egypt-end-mubarak-era-impunity-sectarian-violence> (accessed May 6, 2015).

seeking to control the media.<sup>227</sup> Journalists were arrested and charged with “insulting the president.”<sup>228, 229</sup> Morsi repeatedly allowed for the incitement of sectarian violence against Shia and Christians, resulting in multiple sectarian killings.<sup>230</sup> Muslim Brotherhood loyalists killed anti-Morsi demonstrators outside of the presidential palace.<sup>231</sup> Rights organizations documented hundreds of cases of torture in Morsi’s one year in power.<sup>232</sup> In November of 2012, Morsi issued a so-called “constitutional declaration,” granting himself unassailable legislative authority and wide-ranging emergency powers, including “all necessary procedures and measures needed to confront [...] a danger threatening the Jan. 25 revolution, the life of the nation, national unity, [and the] safety of the nation.”<sup>233</sup>

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<sup>227</sup> Yasser Abdul Aziz, “Muslim Brotherhood Seeks to Control Egyptian Media.” *Al-Monitor*, November 18, 2012, <http://www.al-monitor.com/pulse/iw/politics/2012/11/muslim-brotherhood-dream-tv.html> (accessed May 6, 2015).

<sup>228</sup> Dahlia Kholaiif, “Egyptian Journalists in Court Reminiscent of Mubarak Era.” *Bloomberg News*, “August 29, 2012, <http://www.bloomberg.com/news/articles/2012-08-28/egyptian-journalists-in-court-reminiscent-of-mubarak-era> (accessed May 8, 2015).

<sup>229</sup> “TV presenter slapped with fine for insulting Brotherhood’s El-Erian.” *Al-Ahram Online*, May 15, 2013, <http://english.ahram.org.eg/NewsContent/1/64/71542/Egypt/Politics-/TV-presenter-slapped-with-fine-for-insulting-Broth.aspx> (accessed May 8, 2015).

<sup>230</sup> “Egyptian anti-sectarian group blames Morsi for Shia attacks.” *Al-Ahram Online*, June 24, 2013, <http://english.ahram.org.eg/NewsContent/1/64/74811/Egypt/Politics-/Egyptian-antisectarian-group-blames-Morsi-for-Shia.aspx> (accessed May 8, 2015).

<sup>231</sup> Human Rights Watch, “Egypt: Investigate Brotherhood’s Abuse of Protesters.” December 12, 2012, <http://www.hrw.org/news/2012/12/12/egypt-investigate-brotherhood-s-abuse-protesters> (accessed May 5, 2015).

<sup>232</sup> Rana Muhammad Taha, “Report: 359 torture cases during Morsi’s first year in power.” *Daily News Egypt*, June 26, 2013, <http://www.dailynewsegypt.com/2013/06/26/report-359-torture-cases-during-morsis-first-year-in-power/> (accessed May 8, 2015).

<sup>233</sup> Bassem Sabry, “Absolute Power: Morsi Decree Stuns Egyptians.” *Al-Monitor*, November 22, 2012, <http://www.al-monitor.com/pulse/originals/2012/al-monitor/morsi-decree-constitution-power.html> (accessed May 10, 2015).

At the same time, human rights organizations suddenly found themselves in vogue once more. With the Muslim Brotherhood now in power, the same media outlets that had turned against rights groups in mid-2011 once again vaunted them for their work to expose the Muslim Brotherhood's human rights violations. As one rights activist told me, "[During the Morsi period], human rights defenders were on TV all the time with TV presenters who are known to be pro-Mubarak, very conservative, and usually hate human rights defenders."<sup>234</sup> Though Morsi was the president, his Freedom and Justice Party—the political wing of the Muslim Brotherhood—did not have control over the judiciary, army, internal security forces, or the private media. For this reason, Morsi was incapable of hampering the work of rights organizations to the same extent that SCAF had. Further, the Morsi regime was unable to influence private media outlets, which were hubs of anti-Morsi and anti-Muslim Brotherhood rhetoric throughout Morsi's year in office.<sup>235</sup> This dynamic frequently brought human rights activists back into the public eye.

Nevertheless, as human rights practitioners would soon discover, this increased media attention would prove just as fleeting as it had in 2011. The ugly situation that has unfolded since Morsi's ouster in June 2013 has erased any hope for a near future in which the government takes meaningful actions to cease human rights violations and allow rights organizations to work freely.

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<sup>234</sup> Heba Khalil, interviewed by Ben Pitler, Cairo, Egypt, October 2014.

<sup>235</sup> "Egypt: Mayhem, Morsi and the media." *Al Jazeera*, July 7, 2013, <http://www.aljazeera.com/programmes/listeningpost/2013/07/20137694319238124.html> (accessed May 10, 2015)



### **3.7 From Bad to Worse: Egypt's New Junta**

If the public celebration of human rights defenders after the uprising was the pinnacle of the post-revolution period for the human rights community, the situation that has unfolded since the July 3, 2013 military coup has surely been its nadir. Following a carefully calculated campaign by youth activists to drum up public support for Morsi's ouster, millions of Egyptians went into the streets to denounce the Muslim Brotherhood in late June 2013.<sup>236</sup> On July 3<sup>rd</sup> the Egyptian military, under the guidance of then-Field Marshal Abdel Fattah el-Sisi, intervened "on behalf of the people," arrested Morsi, dissolved parliament, suspended the new constitution, and called for early presidential elections.<sup>237</sup> Though Sisi was not elected as president until a full year later, he and a cadre of close advisers have been running the country since the day of the coup d'état.

#### ***3.7.1 Human Rights in the Sisi Era***

Morsi's ouster ushered in a period marked by unprecedented numbers of government rights violations and exceptional hostility toward rights organizations, even in comparison to the late 1990s and the SCAF period. This dynamic revealed itself almost immediately. On August 14, 2013, following weeks of violent clashes between soldiers and anti-coup protesters, the military moved to disperse a pro-Morsi protest camp at Rabaa el-Adaweya Square, which had been transformed into a tent city over the six weeks since the

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<sup>236</sup> "Protesters force governorate offices to close across Egypt." *Egypt Independent*, July 1, 2013, <http://www.egyptindependent.com/news/protesters-force-governorate-offices-close-across-egypt> (accessed May 10, 2015).

<sup>237</sup> "President Morsi overthrown in Egypt." *Al Jazeera*, July 4, 2013, <http://www.aljazeera.com/news/middleeast/2013/07/20137319828176718.html> (accessed May 10, 2015).

coup. Using live ammunition, bulldozers, trucks, and snipers, security forces killed more than 800 demonstrators in that incident alone.<sup>238</sup> However, rather than holding anyone in the security forces accountable, judges have repeatedly sentenced hundreds of people at a time to death for the alleged killings of police officers.<sup>239</sup> The Muslim Brotherhood has been banned, branded a terrorist organization, and anyone associated with it imprisoned.<sup>240</sup> Torture and arbitrary detentions are widespread.<sup>241</sup> Prominent political activists like Alaa Abdel Fattah have received lengthy jail sentences for nothing more than attending and organizing protests or criticizing the government.<sup>242</sup> Several journalists have received the same treatment.<sup>243</sup> A judge sentenced April 6 Youth Movement co-founder Ahmed Douma to life in jail.<sup>244</sup> In contrast, those responsible for massive graft and embezzlement, torture of detainees, and killings of demonstrators have escaped justice entirely. No one involved

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<sup>238</sup> Human Rights Watch, "Egypt: Rab'a Killings Likely Crimes against Humanity." August 12, 2014, <http://www.hrw.org/news/2014/08/12/egypt-rab-killings-likely-crimes-against-humanity> (accessed May 7, 2015).

<sup>239</sup> Human Rights Watch, "Egypt: Judge Issues Mass Death Sentences." December 3, 2014, <http://www.hrw.org/news/2014/12/03/egypt-judge-issues-mass-death-sentences> (accessed May 7, 2015).

<sup>240</sup> "Egypt court bans Muslim Brotherhood's political wing." *BBC Online*, August 9, 2014, <http://www.bbc.com/news/world-middle-east-28722935> (accessed May 10, 2015).

<sup>241</sup> Amnesty International, "Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi." July 3, 2014, <https://www.amnesty.org/en/articles/news/2014/07/egypt-anniversary-morsi-ousting/> (accessed May 10, 2015).

<sup>242</sup> Jared Malsin, "Egyptian activist Alaa And El Fattah sentenced to five years in jail." *The Guardian*, February 23, 2015, <http://www.theguardian.com/world/2015/feb/23/egyptian-activist-alaa-abd-el-fattah-sentenced-five-years-jail> (accessed May 9, 2015).

<sup>243</sup> "Egypt court adjourns trial of Al Jazeera journalists." *Al Jazeera*, March 25, 2015, <http://www.aljazeera.com/news/2015/03/al-jazeera-journalists-egypt-court-150325080622692.html> (accessed May 10, 2015).

<sup>244</sup> "Egyptian court sends activist Ahmed Douma to life." *Reuters*, February 4, 2015, <http://www.reuters.com/article/2015/02/04/us-egypt-activist-idUSKBN0L81DI20150204> (accessed May 9, 2015).

with the massacre at Rabaa el-Adaweya or any of the other mass killings of demonstrators in the last four years has been held accountable.<sup>245</sup> Numerous Mubarak-era officials have been acquitted of corruption charges.<sup>246</sup> Even those Mubarak cohorts who were previously convicted have been acquitted and released by the Sisi government.<sup>247</sup> Perhaps worst of all, Hosni Mubarak has been acquitted in four separate corruption cases and has never been charged in relation to any instances of torture or killings of demonstrators.<sup>248</sup>

Further, since the 2013 coup, interim President Adly Mansour and now President Sisi have issued a stunning number of repressive laws by decree, taking advantage of the absence of a functioning parliament. In September 2013, Mansour issued a law permitting government figures to award private contracts with no public tender process.<sup>249</sup> In November, he announced the utterly draconian Law 107/2013, which essentially bans all forms of public protest and allows security forces to use unrestrained force in breaking up demonstrations.<sup>250</sup> Shortly afterwards, Mansour presented sweeping amendments to

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<sup>245</sup> “UN review of Egypt ignores Rabaa Massacre.” *Middle East Monitor*, November 5, 2014, <https://www.middleeastmonitor.com/news/europe/15103-un-review-of-egypt-ignores-rabaa-massacre>, (accessed May 10, 2015).

<sup>246</sup> “Court acquits Mubarak petroleum minister, 5 officials in Israeli gas export deal.” *Mada Masr*, February 21, 2015, <http://www.madamasr.com/news/court-acquits-mubarak-petroleum-minister-5-officials-israeli-gas-export-deal> (accessed May 12, 2015).

<sup>247</sup> Nadia Ahmed, “Show me the money: The many trials of Mubarak’s men.” *Mada Masr*, January 25, 2015, <http://www.madamasr.com/sections/politics/show-me-money-many-trials-mubaraks-men> (accessed May 10, 2015).

<sup>248</sup> Ibid.

<sup>249</sup> Patrick Kingsley, “Worse than the dictators: Egypt’s leaders bring pillars of freedom crashing down.” *The Guardian*, December 26, 2014, <http://www.theguardian.com/world/2014/dec/26/sp-egypt-pillars-of-freedom-crashing-down> (accessed May 10, 2015).

<sup>250</sup> Human Rights Watch, “Egypt: Draft Law Threatens Independent Organizations.” July 14, 2014, <http://www.hrw.org/news/2014/07/14/egypt-draft-law-threatens-independent-organizations> (accessed May 9, 2015).

existing anti-terror laws, allowing the government to define all protesters as terrorists.<sup>251</sup> In June, the Ministry of Social Solidarity presented a new draft law on NGOs, granting the government full oversight over all aspects of nongovernmental associations.<sup>252</sup> Subsequently, the Minister announced that all NGOs, in compliance with Law 84/2002, must register with the government immediately or face government action.<sup>253</sup> In October, Sisi issued a decree placing civilian infrastructure under army jurisdiction, with the effect that most crimes committed on public property now qualify as terrorism and can be tried in military courts.<sup>254</sup> In November, Sisi amended Article 78 of Egypt's penal code, stipulating a sentence of life imprisonment for anyone receiving money "from a foreign country or a foreign or local private organization, with the aim of pursuing acts harmful to national interests or destabilizing to general peace or the country's independence and its unity."<sup>255</sup> In February 2015, Sisi issued a new terrorism law broadly and vaguely defining terrorist entities in such a way that can apply to "student unions, movements, and human rights

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<sup>251</sup> Human Rights Watch, "Egypt: Revise Terrorism Laws to Safeguard Rights." April 28, 2014, <http://www.hrw.org/news/2014/04/27/egypt-revise-terrorism-laws-safeguard-rights> (accessed May 10, 2015).

<sup>252</sup> Human Rights Watch, "Egypt: Draft Law Threatens Independent Organizations."

<sup>253</sup> Mariam Rizk, "Egypt's NGOs continue struggle with restrictive draft law." *Al-Ahram Online*, September 22, 2014, <http://english.ahram.org.eg/NewsContent/1/64/111294/Egypt/Politics-/Egypts-NGOs-continue-struggle-with-restrictive-dra.aspx> (accessed May 12, 2015).

<sup>254</sup> Patrick Kingsley, "Egypt places civilian infrastructure under army jurisdiction." *The Guardian*, October 28, 2014, <http://www.theguardian.com/world/2014/oct/28/egypt-civilian-infrastructure-army-jurisdiction-military-court> (accessed May 12, 2015).

<sup>255</sup> "President amends law to include life sentence for receiving funds, arms." *Mada Masr*, September 23, 2014, <http://www.madamasr.com/news/president-amends-law-include-life-sentence-receiving-funds-arms> (accessed May 10, 2015).

organizations.”<sup>256</sup> Finally, in March, the SCC ruled existing election law unconstitutional, resulting in an indefinite delay in parliamentary elections and likely months more of legislation by decree from the office of the president.<sup>257</sup>

### ***3.7.2 Sisi and Human Rights Organizations***

This period has also been defined by fierce attacks on human rights organizations, both directly from the state and in the private media, which is now an orgy of pro-Sisi nationalist propaganda. Security forces have raided the offices of human rights organizations<sup>258</sup> and even intercepted and detained activists at media appearances.<sup>259</sup> Further, prominent Egyptian television hosts proclaim to millions each night that “human rights activists are all spies.”<sup>260</sup> They attack any attempts to suggest that the military government has committed massive rights violations since the coup.<sup>261</sup> This campaign has

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<sup>256</sup> Enas Hamed, “Egypt’s terrorism law whittles down opposition.” *Al-Monitor*, March 2, 2015, <http://www.al-monitor.com/pulse/originals/2015/03/egypt-sisi-anti-terrorism-law-opposition.html> (accessed May 12, 2015).

<sup>257</sup> “Court Ruling Jeopardizes Egypt Parliamentary Elections.” *Al-Akhbar English*, March 1, 2015, <http://english.al-akhbar.com/node/23999> (accessed May 12, 2015).

<sup>258</sup> Abdelhalim H. Abdullah, “Rights groups outraged by the raid on ECESR.” *Daily News Egypt*, December 19, 2013, <http://www.dailynewsegypt.com/2013/12/19/rights-groups-outraged-by-the-raid-on-ecesr/> (accessed May 20, 2015).

<sup>259</sup> Emir Nader, “Police detain human rights figure in radio station raid.” *Daily News Egypt*, April 5, 2015, <http://www.dailynewsegypt.com/2015/04/05/police-detain-human-rights-figure-in-radio-station-raid/> (accessed May 20, 2015).

<sup>260</sup> “Egypt Today.” Tawfik Okasha. Al-Faraeen Network. <https://www.youtube.com/watch?v=u2TCdeKE-YA> (accessed May 15, 2015).

<sup>261</sup> “The Last Word.” Yosri Fouda. ONTV Network. <https://www.youtube.com/watch?v=cZnqrJtLMO8> (accessed May 12, 2015).

been folded into a larger trend of media-incited hatred toward Islamists of all stripes;<sup>262</sup> human rights activists, who are well known to the public for their work defending Islamist political prisoners during the Mubarak era, are easily lumped into the same group. Egypt is fighting a fierce Islamist terrorist insurgency in the Sinai, and Cairo has been rocked by numerous bombings since July 2013. These factors, along with the rise of the Islamic State next door in Libya, play into the government's narrative which claims that all Islamists and anyone else who might defend them or oppose the state in any way are terrorists, or at the least terrorist sympathizers.

This dynamic, along with the constant threat of lawsuits and possible life imprisonment for accepting foreign funds, have gutted Egypt's human rights community. The willingness of Egyptian authorities to confront and punish human rights defenders is well established, and this dynamic is forcing rights defenders to alter their activities drastically. Many rights activists have left their jobs to pursue work in less dangerous fields. Numerous rights organizations have either voluntarily closed down or greatly reduced their staff.<sup>263</sup> When Egypt's human rights record came up for consideration at the 20<sup>th</sup> UPR session in Geneva in late 2014, virtually no Egyptian rights organizations participated, citing "fears that their participation might result in reprisal or possible

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<sup>262</sup> "Egypt's media line up behind state against Islamists." *Daily News Egypt*, August 20, 2013, <http://www.dailynewsegypt.com/2013/08/20/egypts-media-line-up-behind-state-against-islamists/> (accessed May 15, 2015).

<sup>263</sup> Salma Khitab, "Egypt: Some NGOs shut down to avoid abiding by 'repressive' law." *Al-Akhbar English*, November 11, 2014, <http://english.al-akhbar.com/node/22414> (accessed May 12, 2015).

persecution.”<sup>264</sup> Reputably independent rights NGOs, including the EIPR, have opted to comply with Ministry of Social Solidarity directives and register with the state, much to the consternation of many other rights activists.<sup>265</sup> In the most recent affront to the human rights community, following the murder of activist Shaima el-Sabbagh by police at a protest in January 2015, Egyptian authorities have brought charges against seventeen witnesses who testified regarding el-Sabbagh’s killing. Among the defendants is pioneering human rights lawyer and founder of the Center for Egyptian Women’s Legal Assistance (CEWLA) Azza Soliman. Rather than prosecuting police, whose murder of el-Sabbagh was literally captured on camera, prosecutors are charging witnesses on trumped up charges of attacking police officers.

These examples attest to the sense of hopelessness that prevails in various opposition circles in Egypt today. Rights organizations have continued to issue reports documenting government violations and statements calling on the government to cease certain practices, but they can do little outside of that. There is no longer space for advocacy work beyond these narrow strictures. One activist summed up this dynamic:

If we wanted to challenge the legal code [in the past], we would hold workshops in all governorates in Egypt and invite a wide array of workers, labor activists, university professors, and make a lot of noise around it. Now, if you want to challenge the labor code [...] it’s in a small meeting room where people are just

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<sup>264</sup> The Egyptian Center for Economic and Social Rights. (2014). After Threats, Egyptian Human Rights Organizations Decide Not to Participate in UPR [Press release]. Retrieved from <http://ecesr.org/en/?p=422058> (accessed May 10, 2015).

<sup>265</sup> Mahmoud Mostafa, “EIPR to register under ‘flawed’ NGO law, will continue work to replace it.” *Daily News Egypt*, December 22, 2014, <http://www.dailynewsegypt.com/2014/12/22/eipr-register-flawed-ngo-law-will-continue-work-replace/> (accessed May 12, 2015).

talking, saying, “Okay this sentence in the labor code is not good, let’s change it to that sentence.” The kind of space that was available is not available anymore.<sup>266</sup>

The future thus looks extremely bleak, both for human rights defenders and for human rights themselves. Many activists hold on to hope that conditions can and will change just as dramatically as they did during the 2011 revolution. Still, the human rights situation in Egypt now is far more dire than ever before, and any positive change looks to be far in the future.

### **3.8 Summary**

In the two or three decades since they first emerged, Egyptian human rights NGOs have only ever confronted governments hostile toward their very existence, general publics that are at best indifferent and at worst deeply distrustful, and authorities that perpetrate egregious violations of the rights of Egyptians. Clearly, these are the not the makings of an atmosphere that is conducive to human rights advocacy. Authoritarian states, especially uncondemnable ones, present a paradox to human rights organizations: should they retain a principal focus on documenting the staggering number of government violations and exposing those crimes on the international stage? Or should they turn their attention to mobilizing citizens to make rights-based demands of the government, knowing that to do so will necessarily entail a reduced focus on important documentation work? Should rights groups make attempts to work with representatives of the state and try to reform state structures from within or recognize the futility of such a strategy and swear off all

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<sup>266</sup> Heba Khalil, interviewed by Ben Pitler, Cairo, Egypt, October 2014.



cooperation? These questions about how to proceed as human rights defenders in such a hostile environment have divided the Egyptian human rights community since the 1990s.

The 2011 revolution and the resulting counterrevolution have thrown these debates into sharp relief. The coming together of Egypt's various "organizational infrastructures" around human rights demands during the uprising was an occurrence that, while not instigated by the action of human rights activists, demonstrated the power that rights-based demand making could wield if backed by a large, diverse constituency of Egyptians. At the same time, the ease with which the military divided and conquered the revolutionary coalition and turned back public demands for "bread, freedom, and social justice" demonstrated the depth of the human rights community's inability to marshal such a constituency. It is impossible to know for sure if a stronger focus on building a grassroots social movement around human rights ideas during the 1990s and the 2000s could have prevented such a result. Perhaps, as some of the scholars quoted in the literature review might suggest, if human rights organizations had done a better job in the past of cultivating broad bases of popular support, those constituencies could have come to the defense of the human rights community when the military turned on it after the revolution. On the other hand, considering the extensive restrictions authoritarian political dynamics have always placed on human rights advocacy, it is difficult to judge the prior choices of human rights defenders too harshly. What is clear is that these questions lie at the heart of current debates within Egypt's human rights community. Accordingly, chapter 5 explores human rights practitioners' views on the historical failings of human rights organizations, the feasibility of pursuing grassroots advocacy amidst authoritarianism, the ideal role to be played by

rights organizations within Egyptian society, and developing trends in human rights advocacy in Egypt.

## CHAPTER 4

### RESULTS OF THE STUDY

#### 4.1. Introduction

This study aimed to examine Egyptian human rights practitioners' perceptions of the 2011 revolution, the post-revolution period, and the future for human rights advocacy in Egypt. This was achieved by analyzing 25 semi-structured interviews I conducted with human rights activists and researchers in Cairo. The goal is to understand how human rights practitioners perceive the shifting sociopolitical dynamics of the past four years to have altered the landscape for human rights advocacy, and to extrapolate from those perceptions a theory about ongoing and future trends in rights advocacy in Egypt. Accordingly, this chapter presents interviewees' responses to each of the guiding questions outlined in Chapter 1. Chapter 6 then provides analysis, contextualizing these responses within the larger theoretical and historical frameworks provided in Chapters 2 and 3. Guiding questions are as follows:

- 1) How do human rights practitioners assess the 2011 uprising's immediate effect on public consciousness of human rights issues?
- 2) How do human rights practitioners describe the anti-human rights counterrevolution that took place in Egypt from mid-2011 onwards? How do they believe that dynamic has altered the environment for rights advocacy in Egypt?

- 3) To what do human rights practitioners attribute the inability of civil society and the broader revolutionary coalition to sustain the revolution's initial pro-human rights momentum?
- 4) How do human rights practitioners conceive of the role that human rights organizations ideally "should" play within Egyptian society?
- 5) What specific changes are Egyptian human rights organizations undertaking in response to post-revolution social and political dynamics?

#### **4.2 How do human rights practitioners assess the 2011 uprising's immediate effect on public consciousness of human rights issues?**

The consonance between the demands of the 2011 revolution and universal human rights principles was not tantamount to a direct public engagement with notions of "human rights" during the uprising; Aida Seif el-Dawlah confirmed as much, noting, "The revolution did not raise human rights slogans in the sense of—it was not a human rights revolution. It was a revolution for decent and dignified livelihoods, and against the police. The fact that it coincided with human rights principles is because human rights principles are the outcome of struggles for freedom and dignity." Nevertheless, many interviewees asserted that Egyptians did take note of this relationship in the post-revolution period.

Ahmed Raghib stated:

[Before the revolution] the collective consciousness of Egyptians was not cognizant of the term "human rights." After January 25th, in view of all of the uprisings in the region, I think we saw an Arabization of the term [human rights] and the concepts themselves. When the people went into the streets in Tunis [and Egypt and Syria] and chanted "bread, freedom, human dignity, and social

justice”—[...] these concepts were taking root in the peoples of this region [as was the idea that] they are related to human rights. I cannot say that they mean human rights as they are set out in the [UDHR] or the international treaties, but rather, in my opinion, this experience is related, in most areas of the world, to despotism and the underdeveloped nature of the state.

Interviewees contended that this consonance between human rights discourses and the aims of the revolution quickly came to the fore in the immediate post-revolution period, catapulting human rights organizations and activists to an unprecedented level of visibility. Chapter 3 described the temporary public sanctification of human rights activists following the revolution; a number of interviewees expounded on that dynamic. Hossam Bahgat stated:

After the revolution, we were heroes. People received us with open arms, everyone was talking the rights language, everyone was talking about a new, rights-respecting government. [...] There has been a serious mainstreaming of human rights discourse [since January 2011]. People moved from not knowing at all about human rights organizations to [...] knowing much more about the day-to-day functions and work of rights lawyers. Anyone that gets in trouble now, the first thing that comes to mind is the need to inform a human rights organization to send in a lawyer or someone to help.

Salma el-Naqqash contended that some rights activists were “celebricized and made into heroes” immediately following the revolution. Mohammed Taher described “a rosy image of civil society in the media” at the time, and Mohammed Nagy spoke of a notable sense of hope surrounding civil society organizations. Heba Morayef added:

Early 2011 was the first time I would feel comfortable in a broader gathering saying I’m a rights person. Tahrir was the first time I was in a big crowd of people and I would feel comfortable identifying myself as a rights person. I would always say a journalist, a researcher, but January 2011 made rights a friendly concept. [...] There was a trust in human rights organizations, I think.

Raghib agreed, noting:

After January 25th, there was a different legitimacy granted to human rights organizations or to the rights movement in general. The rights movement in Egypt wasn't just depending on international human rights treaties and agreements, such as the ICCPR and ICESCR or the UNCAT, but there was also a legitimacy connected to the goals of the revolution, in that human rights was connected to social justice, connected to freedom, connected to human dignity.

Overall, interviewees described the early post-revolution period as promising for the future capacity of human rights organizations to marshal broad public support in making rights-based demands of the state. Throughout those first few months, as Heba Khalil noted, there was a “genuine connection to the value of human rights defenders and a better understanding of what they do,” as well as ongoing demonstrations calling on the interim military government to rectify general human rights issues that were seemingly unconnected to the events of the revolution, such as Egypt’s crumbling public healthcare system.

#### **4.3 How do human rights practitioners describe the anti-human rights counterrevolution that took place in Egypt from mid-2011 onwards? How do they believe that dynamic has altered the environment for rights advocacy in Egypt?**

This period of optimism was short-lived. In describing both the anti-human rights character and the effects of the counterrevolution that has been ongoing since mid-2011, interviewees addressed several recurrent themes, including the state’s deployment of the media against rights organizations; new restrictions on public space; increasingly oppressive legal frameworks; difficulties associated with public opinion turning against rights defenders; preemptive changes to organizational structures and activities undertaken by rights organizations; and developing rifts within the human rights community.

#### ***4.3.1 Human Rights in the Post-Revolution Media***

One of the most frequently recurring themes was the severity of the Egyptian media's campaign against human rights organizations and ideas. As noted in chapter 3, this phenomenon has not been limited to the state-run media, but is also rampant in the private media, most of which remains loyal to the Sisi regime. Accordingly, many interviewees addressed this dynamic and its deleterious effects on the environment for human rights advocacy. Morayef asserted:

What's worse now compared to Mubarak is the smear campaign. It just makes everything incredibly difficult. I mean, we were always regarded with suspicion, with the accusations against us regarding foreign funding and everything else. [...] [The smear campaign under Mubarak was] not this massive. Not this active and coordinated and consistent over a period of time to the extent that your allies—you know, [journalists] like Ibrahim Issa used to be friendly to human rights organizations. He was part of the opposition under Mubarak. [...] Now he's the one who's attacking. And columnists, and articles about, "I hate human rights". It has never been this big, and targeted, and consistent. [...] They're trying to control the narrative, clearly.

Ragab Saad added:

[Much] of the official media as well as the private media, which has supported the government since July 3<sup>rd</sup> [2013], is organizing daily attacks—daily, that's not an exaggeration—against human rights organizations, especially those organizations that engage with international human rights mechanisms like the Human Rights Council in Geneva or those that insist on releasing statements criticizing the current government's human rights violations, especially accusations of torture. Many of the TV channels and media outlets that are patronized and supported by the current government have attacked human rights organizations [...]

Interviewees contended that media attacks on rights groups focused largely on accusations of anti-nationalist agendas connected to foreign funding and alleged terrorist sympathies related to the defense of persecuted Islamists. Bahgat noted that the media blitz against rights organizations fits snugly into the government's narrative regarding Egypt's

ongoing war on terror and “the nationalist populist discourse of the Western conspiracy in Egypt.” He further asserted that the media campaign has caused human rights organizations to be seen as an integral component of that conspiracy. Khalil spoke of the routineness of “[turning] on the TV and [seeing] something about ‘traitors,’ specifically human rights defenders.” Hafez Abu Saada named specific journalists like Ahmed Moussa, accusing them of “focusing on conspiracy theories regarding the relationships between human rights activists and the US.” All of the interviewees who addressed this media dynamic spoke about it as a major problem with serious ramifications for public trust in human rights organizations; none viewed it as anything less than a major crisis.

#### ***4.3.2 Human Rights and Public Opinion After the Revolution***

Interviewees also spoke about the evolution of the general public’s beliefs about the nature, motivations, and purposes of human rights work. Several warned against generalizing about one “public opinion” in Egypt and emphasized that Egyptians are not one homogenous bloc; nevertheless, most interviewees described Egyptians as holding increasingly negative views of human rights defenders and principles.

Khalil argued that many Egyptians are convinced of the state’s contention—promulgated through the media—that Egypt faces a dire threat from terrorist actors, the Muslim Brotherhood paramount among them. She offered:

This is one of the things that makes this period more dangerous than any period during the Mubarak era, because the emergency law during Mubarak was [...] not justified with the public. People made fun of it all the time. [...] But now people actually believe there is an emergency. Large numbers of the working class, the poor, the middle class, they really think there is a real danger, and the bombs every now and then don't help with that. And then it becomes very clear that [anyone]—



even a person who respects human rights but believes there is an emergency situation, would see as irrelevant any third party coming and saying, "But this law violates this and this right." At least [as irrelevant]. And this is the best reaction we can get.

Morayef agreed that the government and the media have succeeded in drawing firm connections in the public imagination between human rights and terrorism, noting, "Politically right now, talking about human rights is immediately seen as support of the Brotherhood."

Interviewees also mentioned that much of the general public has abandoned human rights stances that enjoyed popular support during the revolution in favor of entirely contradictory positions. Mahmoud Salmani noted:

It's a huge surprise, in that the people seem to have changed so much. They were demanding their rights in the street, announcing that they were for the right to protest, or against military trials. But that [the situation] has transformed in this way in just two years, it's a surprise. [...] That these people, who were supporters of human rights, today are supporting a state that violates human rights, and indeed supporting it in its violations—it's strange.

Specifically, with respect to the role of torture in the revolution, Seif el-Dawlah pointed out that while the torture of Khaled Saeed was central to early revolutionary marches, that dynamic has not translated into strong anti-torture sentiment in public opinion in the post-revolution period. She noted that in the current period, torture often is not rejected but tacitly supported:

As long as it is torture of the Brotherhood, some people [endorse] it, because they [don't] see it, they just [believe] that this hypothetical monster is going to disappear. [...] I don't think anybody would say outright, "Yes, I am supportive of torture." But also, not everyone would say that they are categorically against torture.

Wael Eskandar offered a harsher assessment: "The people support the use of torture. It's

not just that they aren't bothered by it. That's the state we're in. It's because they are afraid of something worse. It was fear that caused them to accept this. [...] 'If he's Muslim Brotherhood, he deserves it.'”

Ultimately, interviewees concluded that more public attention than ever before is affixed on human rights actors, and that nearly all of that attention is intensely negative. All of those who spoke about this dynamic concluded that this condition has been highly detrimental to the efforts of rights organizations in the post-revolution period. As Roaa Gharib put it, “[In the Mubarak era], 90 percent of your efforts [as a human rights activist] originally were to prepare people to even listen to you. But after the revolution, your efforts are aimed at getting people to listen to you and also to not listen to three or four other narratives.”

#### ***4.3.3 The Post-Revolution Legal Environment for Rights Advocacy***

Given Sisi's broad legal project described in Chapter 3, it is unsurprising that interviewees often mentioned the effects of this dynamic on human rights organizations in the post-revolution period. It is important to remember that although Mubarak cultivated a hostile legal environment for NGOs, that legal framework had remained static since 2002 and was never fully implemented. This has not been the case since the revolution. Interviewees referred frequently to the fact that the post-revolution period has witnessed an unprecedented level of government action that affects NGOs negatively, whether directly or indirectly. They singled out the SCAF's 2011 raids on NGO offices, the 2014 Ministry of Social Solidarity declaration that all NGOs must register with the government, protest law

107/2013, and the 2014 amendment to Article 78 of Egypt's penal code.

Khalil noted, "You know that at any moment, your organization can be shut down, you can be taken out for investigation somewhere you don't know—you never know what to expect. [...] It has become much harder and you have to tread very carefully. And it's a very bad environment to function in." Morayef added, "Post-June 30<sup>th</sup>, I think the human rights community is in its most vulnerable position in over a decade. [...] Legally, we're all in a legal grey zone, so we're vulnerable to prosecution." Fateh Azzam noted that a major difference between the Mubarak era and the Sisi era is that the current state's demand that NGOs register with the government "is accompanied by a clear intent to enforce." He added:

Previously, all of the organizations, whether registered or not, were dealing with the law on the basis that [the state is] not going to enforce it. And they were right. The state didn't try to enforce it. [It was] very sensitive to international pressure. Now, [the government is] saying, "We're serious this time, we're going to do it this time." So now it's more dangerous and more difficult. You will land in jail if you make the smallest mistake.

This notion that Sisi's legislative blitz is reflective of his regime's indifference to international pressure over its human rights record surfaced several times. Hani Salem concurred with Azzam, noting, "During the Mubarak period, the Egyptian state was more concerned about what the world said about Egypt. This is not the case anymore. They don't care." Salmani added, "The Mubarak regime was, to a certain extent, afraid of domestic and international responses. [...] Sisi will do anything. The new protest law, for example, prevents all gatherings of more than ten people."

Finally, several interviewees argued that the flurry of laws Sisi has issued by decree is partially intended to suppress opposition without using direct force. Gharib stated:

I don't think the government wants to carry out security operations against us at this time. I think the state doesn't need that now. It put out the new NGO law, it amended [Article 78 of] the penal code to suit its own interests, and if it thinks it needs to take a stronger stance at any time, it can do that by prosecuting any organization, including by using this new terrorism law. All of these laws make this very simple for the state.

#### ***4.3.4 Post-Revolution Restrictions of Public Space***

Interviewees also contextualized the counterrevolutionary crackdown on human rights organizations as part of a larger move by the state to re-restrict public space that had opened temporarily during and after the revolution. Raghieb said:

What is happening is a closing of the public sphere to all actors, not only us. The professional syndicates, the labor syndicates, universities, judges—all these actors and parties are under specific pressures. You could say that that there is an intentional effort to obstruct connection or work between different segments of society, and that is accomplished through serious restriction [of public space].

Salmani echoed Raghieb in saying that the current campaign “is not limited to human rights organizations.” He described “a lack of even a bare minimum of [public space] for any opposition connected to the idea of human rights.”

Interviewees noted that this closing off of public space represented a restriction both in comparison to the early months following the revolution as well as the last decade of Mubarak's rule. Salmani noted that the Mubarak regime “to a certain extent ceded space for opposition.” Khalil added:

[In the Mubarak era] there was definitely a window left open for human rights activists or for political parties to negotiate, to talk, to appear on TV, to say something bad about the government. [...] We had this space of discontent, and a space in the public to express your opinion, which could be completely against the opinion of the government and the regime and Mubarak himself. What you're getting now is the military seriously playing its role. Anyone else trying to be in the public sphere has to make choices between either being with or against the military. There is no third way.

She contended that this dynamic negatively affects all actors who need public space to operate, from human rights organizations to opposition political parties. Lotfy concurred, adding:

You had an openness of the system in 2011. There was more inclusive politics and more political groups could enter the political game and participate. At the moment it's becoming very exclusive to supporters of Sisi. Even the *felool*<sup>267</sup> might not find a place in the current system. It's very narrow.

Finally, several interviewees contended that the government's move to restrict public space is based on its perception of human rights organizations as members of a coalition that was the catalyst for the 2011 revolution. Raghieb argued that any assaults on human rights activists in public space were unconnected to the law and rather related to the role of rights organizations:

All of the spaces that comprise the public sphere are under attack. That's the important point: no matter how much you try to comply with the demands of the state now, that compliance is unconnected to the law. It's not that you do or do not violate the law. Rather, it's connected to your role or your place. [...] Rights organizations, because of the current conditions and the nature of their work, are a part of a larger alliance within society. And that alliance has a particular agenda connected to human dignity and social justice and freedom—the values of the revolution. [...] The state knows well that this alliance poses a danger to them [...] and one of the clearest components of that alliance is human rights organizations.

Abu Saada agreed, arguing, “The state knows the important role of human rights groups in spreading ideologies of freedom and in giving people tools to claim their rights.”

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<sup>267</sup> *Felool*, meaning “remnants” in Arabic, refers to holdover Mubarak loyalists from the previous regime

#### ***4.3.5 Preemptive Organizational Restructuring***

Interviewees also noted that the state's attack on human rights organizations and civil society in general has induced a number of rights groups to take preemptive action in altering their structures, reducing their size, or abandoning certain strategies and activities. Seif el-Dawlah described how the Nadeem Center voluntarily chose to close its legal clinic, which had provided legal aid to torture victims. She said that because the Center is principally a medical clinic, Nadeem's directors feared that the state would deem their legal aid activities political agitation and shut down the entire organization. They felt that the medical clinic's work was too important to risk that outcome, and the legal clinic was thus closed. Eskandar noted a condition of "disintegration where NGOs voluntarily cut down on their size and activities." He continued, "They [have] become really worried. People are more worried and more afraid because this is a government that can get away with anything. [...] When you have an NGO that employed seventy people and is now down to twenty, that's a big effect." Similarly, Gharib described how AFTE, which is registered as a law office, "[walked back] some of [its] most important activities in order to try to close a legal loophole through which [the state] might say, 'No, these are not the activities of a law office, you can't do this.'" She continued:

Now, all of our work that is connected to campaigning on various issues has stopped, even within our new projects, because campaigning carries great risk and may constitute a violation of the law in one way or another. [...] So there has been something of a retreat in a number of areas, especially in AFTE's studies and research. [...] Now we're saying, we need to always make sure that our research is legal in nature or appears so, because we are a law company, so that's what we need to do. [...] Altering our style of work and our activities has greatly influenced the degree to which we feel that our work is beneficial and influential. You find that you have become a think tank, nothing more. You can't communicate with your target groups. You can't do campaigns to change policy or to restructure

institutions. You're just stating your opinion in reports and statements. [...] So you've become more marginalized and cornered, and you have to be content with preserving the minimum level of your operations and your presence as an organization.

Further, interviewees also contended that the counterrevolution has forced many rights organizations to shift considerable resources toward the provision of legal aid to victims of civil and political rights violations, even if that is not the organization's stated goal or focus. Taher noted:

A principal effect that we're seeing after the revolution is that most of the serious rights organizations began to focus more on legal aid. And that's because the number of people detained has skyrocketed since the revolution—tens of thousands of people. [...] Defending all of these people requires a lot of lawyers, and just a lot of personnel in general. So that really influences the work of civil society organizations. For an organization now to think about doing a particular legal project, or a campaign or even a training—the real importance is that we are present in the courts, on behalf of protesters. And that is really affecting the rights movement in Egypt.

Khalil agreed, stating:

One of the challenges that we at ECESR face is that our mandate is economic and social rights, and a lot of the violations—the direct, emerging violations—are of civil and political rights. And we get people coming to our lawyers in the governorates with a lot of cases of torture and arbitrary arrests and so on. Do you want to ignore these cases, and tell them, “Sorry, we just work on economic and social rights?” Of course not. If someone comes to your door asking for help and you have a human rights lawyer who can take this case to court, you cannot refuse them legal aid. [...] You really need to provide people with that help. So imagine, instead of working on access to water in Monofiyah, having a pile of cases of people who have been tortured.

#### ***4.3.6 Rifts Within the Human Rights Community***

Finally, interviews underscored the fact that the societal rifts created by state and media rhetoric connected to Egypt's “war on terror” have also affected the human rights community internally. Over the course of the post-revolution period, and especially in the

wake of the July 3, 2013 coup, rights groups have frequently been at odds with one another regarding positions on the Sisi government's violations and assistance to members of the now criminalized Muslim Brotherhood. This emerged in the interviews in several ways.

First, a number of interviewees asserted that certain rights groups have essentially given the military government a pass for its violations in ways that they did not during the Mubarak and Morsi periods. Lotfy, for example, stated: “[In 2013] NGOs themselves were divided over [whether] to speak out against the state's violations or to [refrain from doing so in an attempt to] save the country from the state of chaos it entered after June 30<sup>th</sup>. And some NGOs, depending on their political ideas or their political lineage or preferences, took positions that were very soft on the state.” He continued, “We are still imprisoned within the post-June 30<sup>th</sup> split that happened among civil society organizations.” Saad echoed Lotfy:

Unfortunately, some rights organizations [have] supported the governing regime, whether that was in the Mubarak era, the SCAF era, or the Morsi era. And now, in the government that took over after June 30<sup>th</sup>, some of the rights organizations that examine the government's human rights violations are supporting the political positions of this government. The organizations that are committed to defending human rights are minority voices.

Khalil agreed, adding:

Even within the independent human rights organizations we had this split right after the outbreak of the revolution, when the virginity tests case came out. And we received the victims at our center; we were in the same building as the HMLC. And I remember that we had a fight, people from both centers, about, “The military would do that,” or “No, the military does not do that stuff. It must have been some police personnel or the girls are lying.” So these splits happen for ideological reasons, and they twist the categories you would normally place organizations in.



I did find some evidence for these contentions in the interviews. While the vast majority of respondents minced no words in denouncing the Sisi regime and describing the current period as the most dire human rights crisis in memory, several disagreed openly. Abu Saada was markedly less critical of the Sisi government than most other interviewees. He challenged assertions that the Sisi period has rivaled the Mubarak period in terms of numbers of detentions and cases of torture and seemed eager to inform me that the Sisi government represented a major improvement from Mubarak. He was also sure to mention that the Morsi regime was “much more of a dictatorship” than the Sisi regime; all of this ran counter to the accounts of nearly all other interviewees. Mustapha Kamel el-Sayyed made similar assertions, painting a far rosier picture of the state of affairs in Egypt than nearly all other interviewees. El-Sayyed contended that human rights organizations in Egypt are still operating and carrying out advocacy, and seemed to suggest that accounts of the state’s assault on rights groups were exaggerated. “Maybe a few of their members have been arrested and sometimes their offices are raided,” he said, “but on the whole they are there.” He too argued that the Muslim Brotherhood, not the Sisi regime, was to blame for the crackdown on human rights organizations, noting, “The major concern is to overcome the resistance of the Muslim Brotherhood.” He added that once this process is complete “there will be a better environment for human rights work.”

Seif el-Dawlah indicated that the Nadeem Center’s work in treating Muslim Brotherhood members who have been victims of state violence or torture under both the SCAF and Sisi regimes has earned the organization scorn not only from the general public, but also from some other human rights organizations. She stated:

We [received] a wave of hatred when we started talking about torture under SCAF. We received the first SCAF torture victim on February 10, 2011. And then it poured in, and we were attacked like hell. [...] It became discouraging because for the first time, even if it wasn't using such harsh words, it came from very close circles. [...] Split families, split friends, split circles—and the disagreement was harsh. [It came from within] the human rights community, from people like Hafez Abu Saada.

When I interviewed him, Abu Saada did not mention the Nadeem Center or any other rights organizations by name, but he did assert that a number of human rights groups had treated the Sisi regime too harshly, alleging, “With some human rights groups now, you can’t even differentiate between their political positions and the Muslim Brotherhood’s political positions.”

Finally, interviewees described a developing schism related to some rights organizations’ decisions to cooperate directly with the Sisi government in one way or another, including disagreements between organizations that have chosen to register as NGOs and those that refuse to do so. Seif el-Dawlah stated that the Nadeem Center had collaborated closely with EIPR “until they decided to register.” “God only knows what’s going to happen with them now,” she said. She also noted that the Center cooperates with the CIHRS in some respects, but parts ways “when Bahey el-Din Hassan<sup>268</sup> decides to attend the [state-sponsored] Summit for Counterterrorism.” Finally, she added, “We part completely with organizations like EOHR.” Khalil described this dynamic as indicative of “a divide that has been happening since the 1990s.” She continued:

There is a difference between people who think that the state is just lacking efficiency—so if you work within it well you can get it to better itself—and people who think that this state needs to be brought down, and we need to build something new. This has been a feature of the human rights community since the

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<sup>268</sup> Bahey el-Din Hassan is the co-founder and director of the CIHRS

1990s. There are people who think, “Let’s have discussions with the state because they will understand. Let’s make these connections. Let’s go through diplomatic channels and so on, and something will be changed.” And there are others who feel, “No, there is no change coming out of this.” [...] I have witnessed this since the 1990s. [Since the revolution] it has been ongoing, of course with variations in the type of polarization that you’re facing.

And Eskandar described the discord caused by the decisions of well-established human rights organizations like the EIPR to register with the Sisi government:

Basically, their whole idea is, “We’re registering as an NGO to fight this.” You know, not a lot of people bought that. It’s a bit like selling out. [...] They say, “Yeah, we’re going to be transparent about everything, we’re not going to be coerced, we’re going to publish every document.” Some people think that’s a fighting spirit, while others think they’ll never make it. So yeah, internally it’s a bit split up. A lot of people have left [those organizations].

#### **4.4 To what do human rights practitioners attribute the inability of civil society and the broader revolutionary coalition to sustain the revolution’s initial pro-human rights momentum?**

Interviewees offered two principal explanations for the inability of human rights NGOs to take full advantage of pro-human rights sentiment in the aftermath of the revolution. Some respondents contended that mistakes on the part of human rights organizations, whether during the Mubarak years or during and after the uprising itself, had hindered the human rights community’s capacity to cultivate popular support and pressure transitional authorities in the wake of the revolution. Others disagreed, arguing that Egypt’s longstanding authoritarian political dynamics were to blame.

##### ***4.4.1 Historical Failures of Human Rights Organizations***

Some interviewees spoke candidly about what they saw as the specific historical failures of rights organizations—including their own—that left rights defenders ill

equipped to capitalize on the popular support for human rights demands that materialized in the wake of the uprising. These criticisms focused largely on the human rights movement's historically weak links with constituencies outside of Cairo's professional civil society community. Gharib stated:

[Human rights organizations] have the same problems as the political opposition in Egypt in terms of our structures and the nature of our work. We haven't been overly concerned with working with targeted groups [outside of professional civil society]—of course I'm speaking generally, there have been some exceptional success stories, but generally it's the opposite. We have not been able to do wide and productive groundwork with these targeted groups and we haven't succeeded in working with them. We were largely stuck in this same political community and we all just kept talking to the same people. We would do a study and then send it to the same forty organizations, all of whom are our friends. But whom else can we talk to? To whom else can we communicate the value of our activities and our work? There is a serious crisis there. And it's a crisis affecting all the revolutionary forces now, which have discovered that over the past three or four years, despite the fact that public space was more open for a time, they have lost the ability to structuralize their power. They didn't put down any real roots within general society in Egypt. So after the appearance of this counterrevolution, we found out what our real power was. That's also what happened to the new civil society organizations. In the end, all of that work was momentary and superficial. [...] There was no real structure capable of accumulating and working on a longer-term strategic vision in order to build up an alternative force.

Several interviewees agreed with Gharib, asserting that human rights groups' weak links with both other revolutionary forces and with the broader public were exposed in the post-revolution period. Danielle Carey added:

Early in 2011 I think the rights movement was surprised by who came out in Tahrir. [...] They found their feet quickly on issues like the massive military trials, and [...] they made some really interesting and important links across generations and across political strands. But those weren't enough to sustain the movement's reputation when the government started playing the foreign funding card and when the tensions across the different political groups broke down as everyone tried to jockey for positions in the new government.

Sally Toma lamented what she saw as the squandering of revolutionary enthusiasm

connected to human rights:

We didn't use it. All of this was potential. It was there. But the sad and frustrating thing is that it was not used. [Political] activists are aware of human rights organizations and their work. Human rights organizations are aware of [political] activists and defend them. We are partners. But the thing is, we didn't have one real project, working together so we can get to the public.

A number of interviewees historicized this dynamic, describing, as Raghib put it, "a serious state of isolationism within the rights movement" dating back to its origins in the 1980s. Carey added:

I think if we look at Egypt, we had a human rights movement that got very good at criticizing, but not very good at producing alternatives. Not so good at using a strategy [...] where you have a division of labor [in which] some groups create the scandal and the crisis and other groups are ready to step in with the solution.

And Toma said:

Every local human rights organization in Egypt, like EIPR or CIHRS, will tell you that they have a department working on campaigning and grassroots organizing, and they have been trying for years to create these contacts with the ground. But they are not making this contact because the wording is very heavy, the documentation is very heavy. It's not populist. They themselves mostly are academics. They don't know how to [project] a populist narrative.

Bahgat agreed, adding, "The main internal problem of the movement is that since it started in its current incarnation, in 1985, for many years the focus has been on naming and shaming, and to some extent legal aid and legal intervention." Eskandar summed up this dynamic, stating:

One of the things about the human rights NGOs here—they have no reach; they have no presence on the ground. Basically, if there is any presence, it's very, very minimal, and it doesn't have much effect. It's very rights-based, not activism-based. Your activism should be based on rights. The importance of these NGOs is that they research topics really well; they document violations really well; they issue reports; they do studies on how to fix things. But these things all get published on an unvisited website or sent to a government official. [...] It is the public that grants any kind of legitimacy and empowers, rather than a person

himself. At the end of the day, unfortunately, it's the amount of public support that changes these things. I would say that there was a huge deficiency from NGOs in the past on spreading these ideas enough.

Finally, interviewees also identified the human rights sphere's longstanding dependence on foreign funding and its tendency to focus advocacy in and around Cairo as contributing factors in the movement's isolation and its resulting inability to sustain broad based public support for human rights demands after the 2011 uprising. Bahgat noted the fact that "100 percent of the funding [for rights organizations] came from foreign sources" and Carey asserted that rights NGOs have "always struggled with explaining [...] where their funding comes from [and] what it goes to." Moreover, multiple interviewees identified the limited presence of rights groups outside of the capital as a major structural issue, with Khalil describing "hot spots" in Aswan, the Nile Delta, and Alexandria where a few organizations have presences, but also "a lot of areas that remain blank."

#### ***4.4.2 The Effects of Mubarak-Era Authoritarianism***

At the same time, interviewees also contended that to fault rights organizations for the post-revolution collapse of public support for human rights demands was myopic or misguided. Some rejected outright any attempts to blame rights groups for this dynamic. They argued that authoritarian political realities in Egypt before the revolution never allowed rights organizations to engage in grassroots constituency building; to attribute their weak bases of support to their own failings, therefore, was to ignore the larger political dynamic. Other interviewees conceded that rights groups' elitist tendencies negatively

affected the level of popular support they enjoyed, but maintained that the Mubarak government's campaigns against rights defenders were a far more important factor.

With respect to the former group, Seif el-Dawlah stated, "I don't think the human rights situation in Egypt has much to do with the way human rights organizations are performing. Rather it has to do with the fact that we are under military rule. After the revolution, we didn't have the chance to put the agendas of human rights organizations to the test." El-Naqqash agreed, taking umbrage at the suggestion that rights organizations had not undertaken sufficient grassroots outreach work:

I sincerely disagree. What else can we do? We are engaging with grassroots groups that are interested in human rights. [CIHRS] has a great human rights education program that brings in at least forty students from different universities around Egypt to talk about human rights. Nazra has a feminist school that brings thirty to forty people from different parts of Egypt to talk about feminism and women's rights. [...] The [EOHR], which is the oldest human rights organization, has been doing a lot [toward] raising public awareness about human rights issues, not just engaging on the public policy level. [...] You have human rights groups functioning in different parts of Egypt. So, on the grassroots level, what else can you do? [...] The state did not give us much room to do anything but name and shame them internationally. Otherwise, that's what you do. [...] We don't have another tool but engaging with international mechanisms and Western governments to name and shame Egypt for its violations. [...] Did this come at the expense of building or spreading a human rights culture? There is only so much you can do.

Raghib added:

In the pre-January 25th moment [...] many activists and organizations in the human rights field [didn't] have the space within which to carry out their advocacy [...] because civil society organizations, and human rights organizations in particular, were forced to be specialized service organizations, serving professionals, whether they were lawyers or doctors or journalists or others. And that was because it was clear that the political situation in Egypt before January 25th did not permit the existence of membership organizations or organizations that had a membership component.

Interviewees argued that above all else, the Mubarak government strove to prevent

rights groups from building constituencies and working visibly in the public sphere. As Abu Saada described it, the Egyptian state has always considered attempts to connect with labor movements, political protesters, and other constituencies outside of civil society to be “political work.” “It’s the political work itself that concerns the state,” he asserted. “The government has an expansive concept of what constitutes political work and a limited concept of human rights advocacy.” Gharib agreed, contextualizing her earlier contention that rights organizations had not put down “real roots within general society” before the revolution by pointing out that Mubarak-era political realities had largely circumscribed such efforts. She noted:

Before the revolution, the public sphere was largely closed, so your chances of communicating with wider society were much narrower. We, as directors or researchers of human rights organizations, saw no evidence of the existence of human rights in the media until after the revolution. That was not available whatsoever before the revolution.

Accordingly, she argued, pre-revolution restrictions on rights work left rights defenders in too weak a state to capitalize on post-revolution dynamics that appeared promising for rights advocacy:

After the revolution [...] where [the public sphere] was once totally closed, it became very open, but there were still limitations. We were like a man who had been imprisoned in a one square meter room who suddenly finds himself on ten thousand acres, but his ability to walk in order to cover those ten thousand acres is severely lacking and not commensurate with all of that space. This is exactly what happened. First, we were restricted because the state wanted it so, and then we were restricted because our abilities were far too weak to cover all of that newly opened public space in a professional and organized way. So we didn’t really have the capacity to connect and communicate with each constituency in an impactful and effective way.

Ultimately, these interviewees contended, to fault rights groups for Egypt’s lack of what An-Na’im would call an “internal popular human rights culture” is to ignore that



Egyptian human rights organizations are performing duties that should be discharged by the state. Seif el-Dawlah argued:

What we are doing—this is the job of a state. There should not be torture, and when it happens, the torturer should be brought to justice and the victim rehabilitated by the government. It should not be the work of NGOs. The Bar Association should provide a qualified, professional, human rights-friendly lawyer to anybody whose rights have been violated.

El-Naqqash agreed, adding:

There is only so much you can do. Again, we're not the state. And the state has a responsibility to us. If we were in a decent government, or a decent country, human rights would have been integrated in school curriculums. [...] It's just not intended by the state by any means to reform the human rights situation or to spread a human rights culture. Human rights culture would come from schools, universities, culture centers in Egypt, theater that is sponsored by the state, cinemas, movies, I don't know. You can use a hundred different tools to spread a human rights culture but we can't really do any of them. It's just too much.

#### **4.5 How do human rights practitioners conceive of the role that human rights organizations ideally “should” play within Egyptian society?**

Interviewees spoke about how they perceived the ideal function of the human rights movement in contemporary Egypt. A number of them mentioned the notion that human rights advocacy should not be decoupled from domestic political aims. In describing how this should be achieved, interviewees spoke of a more balanced advocacy model wherein rights organizations would pursue more inherently political forms of advocacy (especially by collaborating with and assisting grassroots social and political movements) but also maintain the traditional functions of a professional human rights organization, including documentation and international lobbying.

#### ***4.5.1 Politics and Human Rights***

Some interviewees spoke specifically about their views on the ideal relationship between politics and human rights in Egypt. A number mentioned explicitly the indivisibility of human rights and politics, maintaining that rights advocacy should be informed by domestic political aims. Conversely, a minority cast doubt on the notion that human rights defenders should be motivated by inherently political goals. Eskandar was one of several interviewees who maintained firmly that a separation between human rights and politics is untenable going forward. He stated:

There is a certain naiveté among human rights defenders who want to view human rights as completely isolated from politics, but human rights are always used for political purposes. [...] This is how it should be. Your rights are based on your context and your situation, and you want to change the political situation through your rights advocacy because politics is policy about your rights anyway, so how can the two not be linked?

El-Naqqash agreed, adding:

I think there are flaws within the human rights system, and I don't like the separation between human rights and politics. It's invalid, in my opinion. [When] the general public took to the streets on January 25<sup>th</sup>, what were they demanding? Social justice, economic justice, better living conditions in general. They called for freedom, bread, and social justice. These can be formulated into the human rights language, but were they advocating for human rights? Not necessarily. It's really hard to separate both. [...] We think of women's human rights in terms of politics as well, because we think that the feminist movement, in Egypt and worldwide, is a political movement. What I'm trying to say is, [our purpose] in using human rights tools is to adapt them to our movement, and not otherwise. [...] That's how we contextualize human rights concepts into the context of Egypt, which is a very political one right now.

Khalil added:

The question here is whether you're taking a political side or an ideological side, and I think that is where rights groups, specifically in Egypt, are careful to articulate that we are not political. But that doesn't mean that we are not political actors or that we are not taking political action. It's more to articulate that we are

not political parties, which should be obvious, but sometimes it's not. [...] We [want to] support political organization without becoming a political organization.

Lotfy called for “making human rights advocacy available as an option for a much larger group of people” and “[a force] that has a lot of popular support, so that the political system, regardless of who is governing, can't ignore it.”

On the other hand, a minority of interviewees, such as Abu Saada and Nagwa el-Sheikh, argued that politics has no place in human rights. El-Sheikh asserted that the role of the NCHR and other rights groups “is to strengthen and protect human rights. Politically, it is not within our right to interfere in political affairs. We are qualified to enter into the field of human rights and freedoms. [...] The other fields, no.” Abu Saada agreed, adding, “It's dangerous for human rights organizations to be two-faced, both political and human rights. This creates enemies. [...] To say that you are a rights activist in the morning and a politician in the afternoon, and that you are mobilizing public opinion—that's not possible and not productive.”

#### ***4.5.2 Balance Between “Professionalized” and Grassroots Advocacy***

Further, interviewees also discussed their beliefs regarding necessary structural changes within Egypt's human rights movement going forward. Many called for the Egyptian human rights sphere to evince greater overall balance between the hallmarks of professional rights advocacy (reporting, documentation, lobbying, strategic litigation, etc.) and activities more focused on increasing rights NGOs' non-activist constituencies and member bases and better integrating professional rights groups with rights-based social movements. Many respondents were careful to point out that human rights organizations

should not transform themselves into grassroots social movements, nor should the entire human rights community place all its focus on assisting such movements. Raghib stated:

Building membership organizations instead of elite, specialized organizations or replacing one set of strategies with another is not correct. What is needed is a diversity of strategies. We need elite organizations presenting reports to the UPR and to UN Special Rapporteurs, lobbying internationally on specific issues. This is all necessary. [...] It is also required—and this is the space that is lacking right now—that there are membership organizations, a network of human rights supporters [capable of] cultivating public support and deploying the supporters of the idea of human rights. The idea of human rights is no longer connected to relationships with journalists or with decision makers in parliament or the government. In order to change policies antagonistic to human rights, we need [...] stakeholders to be the ones pressuring for policy change, rather than solely [relying on] our capacity to issue press statements, et cetera. [...] There is no such balance at this point.

Bahgat argued that Egypt needs traditional reporting and documentation organizations as well as those focused more on constituency mobilization. He stated:

Because of the scale of egregious human rights violations, the impact of yet another report on deaths and detentions and torture or on violations of freedom of expression or on labor rights violations [is lessened] unless the report is followed by action. To increase pressure on the government and reach a larger audience with the report, documentation is crucial and legal advocacy is very important, and international advocacy is crucial, but at the same time, you have to extend this to community organizing and constituency building.

El-Naqqash added:

We try to do both [grassroots and policy work]. Because we try to think, “Is it the top-down approach that works or the bottom-up approach?” And really, you can’t give up on either of the two sides. You have to engage new groups, you have to get a lot of people who are interested in the status of women in Egypt into the movement, especially since we are concerned with the question of a feminist movement. And also we need advocacy and we need to work on the policy level because whether we like it or not, policies and laws are important.

And Lotfy offered:

When NGOs bring up issues internationally [...] it is a necessary counter-

offensive against the international alliances that make the Egyptian government able to violate human rights with total impunity. [...] But if you stop there you depoliticize human rights demands, and you don't give them a backbone of political demands. That is the role of mobilization and membership, and that is how we are trying to compensate.

Gharib described “a dialogue around whether or not [AFTE] could reproduce [the] same structures and mechanisms [of a social movement] as a human rights organization.”

That discussion “was connected to our understanding of our role as a human rights organization.” Ultimately, she stated:

[AFTE's] role as a human rights organization is that we support these movements, whether by providing legal protection to them or by training them to be more effective in their work. But we cannot take up these same structures. Our role is to support these groups. We cannot use the same grassroots strategies. You see that in our work with students, for example. If students want to work on a campaign related to the freedom to access information within universities, as in their right to see the university budget, as AFTE, we are not inside the university. We can't put out statements or submit a petition of demands to the university president. We can't do that as an organization. We can recognize the awareness of groups of students and tell them that this is an important issue. And then they work using the same mechanisms as [a grassroots social movement]. [...] But as a human rights organization, we cannot utilize the same tools and mechanisms as an activist who works in a political or social movement. But we can provide support.

Azzam agreed, stating:

[Human rights organizations and social movements] have to work together. We need the mobilizing strategy of social movements that are based on human rights principles in order to move forward on any issue. There is only so much you can do with the law. But it's not a question of giving up the law and going to join social movements. Some people will do that, and that's their choice. What I'm saying is, you can't give up the other things, even in the worst-case scenarios. You cannot give up on the law. [...] It's not an either/or proposition. [...] So I'm suggesting that instead of saying, “I prefer social movements and I don't like the professional organizations,” you're saying, “They need each other. They have to work together.”

Finally, as noted in the previous section, it is important to point out that not all interviewees felt this way. Hisham Qassem, who was the EOHR's chairman for ten years,

dismissed rights organizations using such a model, asserting that court cases won were the sole measure of a rights group's success. Referring to organizations using a more diversified model, Qassem said, "If you were to do an empirical measurement of their performance, it would be quite weak." For his part, Abu Saada seemed to denigrate the notion of human rights groups devoting organizational resources to grassroots mobilization work by alleging that such a model compared unfavorably to the international human rights movement. Referencing "the political view that says that human rights groups should be working on a grassroots level," he asserted, "In the international human rights movement, I haven't found this. Maybe some African or Asian rights groups have a double face, working as both a human rights group and a group affiliated with communists or socialists. [...] Maybe. But if you look at the European model, most human rights groups work as a human rights group."

#### **4.6 What specific changes are Egyptian human rights organizations undertaking in response to post-revolution social and political dynamics?**

Some interviewees indicated that their organizations had made significant changes to their structures and strategies since the revolution, while others did not. Egypt-based representatives of international organizations like HRW and the Ford Foundation did not report such changes, nor did representatives of the GDD, the CIHRS, the Nadeem Center, the EOHR, the NCHR, and the Ibn Khaldun Center. On the other hand, representatives of the NCHRL, the ECRF, the AFTE, the EIPR, Nazra for Feminist Studies, and the ECESR described their organizations as increasingly pursuing grassroots mobilization strategies, investing in building membership bases, and endeavoring to integrate with and support

social movements and non-activist communities around the country. These interviewees indicated that their organizations' attempts in this regard had increased significantly following the revolution. Some of these organizations were established before 2011 and altered their structures and mandates in response to post-revolution dynamics, while others have been founded since the revolution. Further, interviewees representing two rights-based, non-professional campaigns (the NMTC and the Manifesto campaigns) described strong cooperation with professional rights organizations.

Raghib spoke about his motivation in founding the NCHRL as a membership organization in 2012. He described the Egyptian human rights sphere's "[transformation] into an elitist movement [...] that depends on experts and the media." Rights movements, he said, "maybe especially in the Arab world, need to utilize new strategies in order to achieve [...] mass mobilization, and that is what we are trying to achieve with the NCHRL, in that we're a membership organization. [...] When there are members, you have the capacity to mobilize." Raghib characterized the NCHRL as deriving all of its influence from its membership base and described how the organization's work on detainee rights and housing rights in governorates around Egypt also serves to expand its membership among student, journalist, and other non-activist constituencies. Further, Raghib described how the NCHRL interacts closely with various rights-based grassroots social movements, including Manifesto and the NMTC campaign, both of which are profiled below, as well as the FDEP and the Behind You With the Report campaign (Warakom bel Taqir). Of these groups Raghib said, "We try to assist them in exercising their rights when it comes to assembly and expression. [...] We have differing degrees of relationships with a number of

groups that we consider our supporters. [...] We give them our office to do trainings or we try to contribute to their activities or we distribute their leaflets and papers. Really anything.”

In describing the motivations behind the founding of the ECRF in 2013, Lotfy stated, “We wanted to bridge the gap between the expertise of human rights organizations who have [...] the tools to analyze violations and propose alternatives, but don't have the power to actually force the state to adopt those changes [and] activists who are able to mobilize thousands of people in the street and can force the hand of the government to make concessions.” He continued, “You find a lot NGO workers or activists sitting together, defending each other when they get detained, et cetera, but there is not an organic structural entity that combines the two: the expertise and the capacity to mobilize. That was the starting point of the ECRF.”

In order to bridge that gap, the ECRF also pursued a voluntary membership structure, wherein member volunteers receive trainings on basic human rights concepts and the fundamentals of campaigning. Lotfy described how with each of these trainings, which ECRF offers to students and young people in governorates across the country, the organization’s base expands. “Ultimately, the idea is that we need to have popular support for the demands that we make,” Lotfy said. “What we ask [our members] to do is share videos online and tell their friends about the expertise they have acquired in our trainings. So they spread that kind of knowledge, and they speak about it.” He went on to describe a number of ways in which the ECRF’s constituents spread awareness of the organization’s work and goals, including by signing and disseminating petitions amongst their peers,



especially on university campuses. Lotfy further noted that he views membership in ECRF—which is free—as an investment, and that the organization makes sure that its activities carry benefits for its constituents, including free legal aid for all members.

Taher, Nagy, and Gharib all described how in the post-revolution period, AFTE redoubled its efforts to target and work with specific constituencies outside of professional civil society, including university students and journalists. Like Lotfy, Gharib spoke of an ongoing, mutually beneficial relationship between AFTE and these constituents. She said that the organization provides its constituents with legal aid and trainings on a variety of issues, and in return constituents work on AFTE campaigns in a voluntary capacity. Nagy added that following AFTE’s outreach to university students through its program on academic freedom, which focuses on issues like students’ rights and the right of the public to access university budgets, student constituents across the country “began to form groups to work on these issues within their respective universities.” Taher also noted that AFTE’s Student Observatory project, which documented rights violations on university campuses after the revolution, depended on “a wide network of student correspondents [...] from the universities themselves.” He described these student correspondents as AFTE supporters and components of the organization’s broad base of support within Egyptian universities. Finally, Nagy also mentioned that AFTE, like the NCHRL, works closely with rights-based social movements and campaigns like the FDEP and Manifesto.

Bahgat described the effect of the revolutionary dynamic on EIPR’s post-revolution tactics:

January 2011 was a big change in how I personally conceive human rights work. You stand in the square and you see hundreds of thousands chanting human rights

slogans, and you realize this is the only way change can happen. We can't be just lawyers, or just lobbyists, or just researchers. [...] At that time we were just peers, and the people were the advocates, not us. And that's why the focus since January 2011 has been absolutely on learning but also trying to integrate ourselves into social movements. Rather than being impartial bystanders, we're trying to advocate on behalf of social movements.

He further described EIPR's quest to be "more campaign-driven than research driven," stating:

What we added to our three strategies of research, advocacy, and litigation [after the revolution] is public outreach and public organizing as well, and we tried to do that through enhancing our field presence. [...] And most importantly, helping communities to organize and mobilize and advocate on their own behalf. So we now have an office in Luxor serving the southernmost part of the country, and an office in Alexandria serving the northwest part of the country. We have a field office in Cairo serving only the greater Cairo area independent of the head office. In addition to these three offices that will hopefully increase, we have field-based lawyers in Ismailia, Mahalla, Port Said, and Aswan.

Moreover, though Bahgat himself did not mention it, both Eskandar and Toma noted that EIPR has also cooperated closely with Manifesto, offering trainings to Manifesto constituents and allowing EIPR's headquarters to be used for Manifesto events.

El-Naqqash spoke about Nazra's vision of women human rights defenders as not only professional human rights activists, but also

women laborers who go on strike to defend their economic rights. [...] Nurses who work with public hospitals and try to demand better wages or medical care [...] teachers, workers, professional syndicate members who run for elections in the professional syndicates to give better living conditions to the people of their profession, as well as political protesters in the street.

She described how Nazra's mandate and set of strategies expanded greatly following the 2011 revolution in order to focus on supporting constituencies of women like these and assisting them in establishing a visible presence in public space. "To be more concrete," El-Naqqash said, "a lot of women who participate in [...] any form of public or political

activism need legal intervention sometimes. They need psychological interventions and medical interventions, and they need the documentation of their stories.” She described how Nazra’s Women Human Rights Defenders program serves as “a platform that provides medical, legal, psychological and documentation support to women activists.”

El-Naqqash went on to say that Nazra’s “engagement with different grassroots social [movements] developed after the January 25<sup>th</sup> uprising.” She continued, “We want new groups in this movement. We want them to become stakeholders. [...] We tried to do that before the revolution, from 2005 to 2010, and it was difficult because there was no public space. Most of the initiatives and the women’s groups we’re working with around Egypt, they all started after the revolution.” She spoke of “at least fifteen” different grassroots women’s groups that Nazra supports, located in Aswan, Assiut, and other governorates around the country. “They’re not part of Nazra,” El-Naqqash said. “They’re independent groups. But they’re still engaging with women’s rights, and sometimes they need technical support, knowledge resources about the issues, technical training, strategizing, and we provide them with that as much as possible.” Finally, El-Naqqash also mentioned that both she and Nazra’s founders had been heavily involved in the FDEP and that the organization assisted similar groups.

Khalil described how the ECESR’s mandate has expanded since the 2011 revolution to encompass direct work with communities of farmers, fishermen, laborers, and refugees around the country. She said:

One of the good things that came out of the revolution is that you don't have to make [as much of] an effort to remain grassroots, because the grassroots have organized. [...] So I think this is key to the attempts of ECESR and other human rights organizations to remain connected to the grassroots. [...] Not only are there

new forms of workers' organizations coming out, but also the local committees that are very active on their Facebook pages and trying to be organizations in their own rights. They have places to meet, representatives, spokespeople, an agenda. They are playing a great role. There are also many groups working on housing issues, on education, on health. [These are] normal people, not professionals. [...] No, it can be a couple of students working together on advancing education and rights education. And now you have a bigger chance of working with these groups and supporting their efforts. So I think this is one of the opportunities that the revolution created, and that is reaching out to these groups and being able to work together with them.

She spoke of her organization's intent to assist communities and constituencies in advocating on their own behalves, not to position them as passive observers to advocacy being undertaken by the ECESR. She explained:

You have these constituents on a grassroots level who know what their demands are and who know that these demands are entitlements. [...] At this center, the way we work is not that we tell people that these are your entitlements. We assume—and from experience we have seen that our assumption is not wrong—that people actually know what their entitlements are. They just need the support. So what we do is support their initiatives and what they have identified as their priorities, even if we think there is a better way to achieve this priority. We support them directly through aid, by bringing their case to the media, fighting for it in different fora with the government, anything like that. But we're trying to recreate an enabling environment for these people to be able to achieve their rights.

Khalil also described a number of different specific ways in which the ECESR aims to simultaneously increase its base of support and empower communities and social movements in demanding their rights from the state. She noted that the ECESR works closely with groups like Manifesto, offering them capacity-building training and logistical support. She also described how ECESR lawyers stationed in governorates around the country help communities to organize and mobilize through the legal system and litigate against the state over basic rights demands. She described one campaign in the Dahliyyah governorate wherein an ECESR lawyer was assisting a village in compelling the state to

pay for much needed water and sanitation infrastructure. In another case, ECESR lawyers assisted farmers in litigating against both the state and a major seed company over theft of large sums of money owed to farmers for their corn harvest. Khalil noted, “When you have a community that is trying to push for one of its rights, and the community is just depending on a Cairo-based NGO or depending on assistance from far away, it’s very different than a community that has someone within it who is living there and who can keep pursuing the issue and carry it forward.” She continued, saying:

The kind of work that we do [...] needs to be done on a very local level in different governorates, and the only way to do this is to transfer that knowledge to these governorates. The vision behind it is that once you have strong constituents in different governorates who can use litigation as a tool of participation—this, to us, is participatory democracy. As long as you have weak local government structures, people don’t have a say in what the government does, and they don’t even have access to the government. So once you give them this tool for accessing the government and showing dissatisfaction but also challenging laws and regulations and different government policies, we think that this is key to making sure that those citizens are on board, for, on a very basic level, demanding their own rights, but on a very national level and a longer term level, making sure that your state is more responsive. [...] We really think that if you progress far enough forward in demanding this kind of accountability from the state and confronting the state from local places around Egypt, that this will have a direct effect. If it’s done well enough, then I have no doubt that it will have a direct effect on creating a citizenry that can demand political participation and demand their basic entitlements across the board.

Further, the interviewees representing rights-based grassroots social movements (as opposed to traditional NGOs) indicated that their movements or campaigns were predicated on galvanizing public support among non-civil society constituencies and that their work depended heavily on cooperation with professional human rights organizations. Salmani indicated that the NMTC campaign was founded by human rights activists immediately following the revolution, and the group has operated ever since as a self-

funded voluntary campaign comprising both professional human rights defenders who are employed elsewhere in the field and volunteers from outside the professional civil society sphere. Individual staff from human rights organizations donate their time and services toward legal aid for those facing military tribunals. Additionally, Salmani described collaboration between professional human rights groups, NMTC and other similar non-professional campaigns like FDEP and the We Will Find Them campaign.

Finally, Manifesto provided perhaps the most interesting glimpse into post-revolution collaboration between professional rights organizations and rights-based grassroots movements. As described by Toma and Eskandar, Manifesto is a voluntary, self-funded campaign that aims to mobilize public momentum around human rights issues by connecting eager constituencies with human rights organizations. “What we’re doing with Manifesto,” Toma said, “is we’re creating the bridge between what you have in you, that is innate and organic, and telling [people] that there are actually human rights organizations working on these same things, though [they] know nothing about them. We are making this bridge.” She noted that Manifesto aims to connect with teenaged and young adult Egyptians inspired by witnessing the events of the revolution. Within these individuals, Toma said, “The dream is present, but the enthusiasm is gone. [...] That’s why Manifesto is trying to build this bridge so they can affiliate themselves with the NGOs that are professional, and maybe find it easier to work within this framework.” She continued:

We train the youth from all movements and parties, so those attending our trainings or belonging to Manifesto are not just Manifesto people. They belong to the Dostour Party, the Revolutionary Socialists, all sorts. [...] Manifesto is not a movement; it’s a campaign. There’s a big difference. [...] You don’t have to belong to the movement; it doesn’t have the ideology, other than what we are fighting for, which is bread, freedom, social justice, human dignity. These are

human rights ideals. We talk about it as human rights, not as revolution. [...] The idea is that we are trying to prepare them to design local campaigns [...] It's all about mobilizing and decentralization. [...] It's about being capable of filling the gap that is created [when another revolution comes]. Every time we create this gap, who comes to power? Not us. So what you're trying to do is prepare the young ones to one day be involved in politics themselves.

Eskandar characterized Manifesto not as a human rights campaign, but rather a campaign for social and political alternatives that adheres to a set of rights-based principles. He described various campaigns in which Manifesto's leaders trained young constituents on specific issues and then assisted them in campaigning to demand specific entitlements from the state. These included campaigns surrounding water rights for poor Cairo neighborhoods, patients' rights in Egyptian hospitals, and police reform. In each case, Eskandar said, Manifesto partnered with a different human rights organization that had done strong work on these topics in the past, including the EIPR, NCHRL, and ECESR. The goal was to highlight the research work of these organizations to Manifesto's constituents and volunteers. "We need to spread this to the people," Eskandar said. "We take that work [of human rights organizations], simplify it, and create campaigns around these things because the rights work has already been done. What we need to do is a bit of marketing and activation. Activating different people who are willing to mobilize, but not on the basis of a very dense report." Toma added that Egyptian human rights organizations have largely failed to establish grassroots connections in part because their work is academic and heavy in nature. "It's not populist," she said. "They don't know how to [project] a populist narrative, and that's where we are helping. What Manifesto is doing is we take the projects and we write them in colloquial Egyptian in a very populist manner that will appeal to anyone in the street."

## CHAPTER 5

### ANALYSIS OF RESULTS

#### **5.1 Introduction**

Interviewees echoed a number of issues raised by rights scholars in Chapter 2 and shed light on the historical dynamics explored in Chapter 3. Accordingly, this chapter offers analysis of the interview responses summarized in Chapter 5, linking them to the broader theoretical and historical background provided in the first three chapters of the thesis.

#### **5.2 Where You Sit Is Where You Stand**

A first important point to note is that interviewees' responses were strongly correlated with the relative positions of their organizations within the larger Egyptian human rights sphere. The same groups of interviewees came down on opposite sides of certain issues. Most notably, Qassem, Abu Saada, el-Sheikh, and el-Sayyed frequently provided similar answers that diverged from the rest of the interviewees.

I attribute this pattern to the fact that the organizations represented by these individuals—the EOHR, the NCHR, and the Ibn Khaldun Center—are perceived as retaining especially close ties to the Egyptian state. The NCHR's ties to the state are clear-cut, as the government itself appoints NCHR members. As for the EOHR, as a registered organization, it too is subject to close government oversight of its activities and budget. And the Ibn Khaldun Center has retained close ties to the state for years. When founder



Saad Eddin Ibrahim was jailed and tried for insulting the president in the late 1990s, it came as a shock to many observers; for a human rights activist, Ibrahim had been perceived as having a very close relationship with the Mubarak government. On the other hand, most of my other interviewees were drawn from some of Egypt's most radical and least compromising rights organizations. This is especially true of the NCHRL, ECESR, ECRF, AFTE, EIPR, the Nadeem Center, Nazra for Feminist Studies, and the NMTC and Manifesto campaigns. Until early 2015, all of these groups had repeatedly refused to register with the Egyptian government.<sup>269</sup> Moreover, all of these organizations are relatively young. The EIPR, which was founded in 2004, is the oldest; the rest have all been founded since 2007. Additionally, many of these organizations either emerged from or remain closely affiliated with radical social institutions.<sup>270</sup> Further, all of these organizations maintain close relations with dissident social movements mobilizing against military trials, torture, arbitrary detention, and other government violations. These kinds of differences clearly influenced interviewees' responses in several regards, especially with respect to their appraisals of the Sisi government and their beliefs about the wisdom of diversifying human rights advocacy strategies.

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<sup>269</sup> As noted in Chapter 3 and Chapter 5, the EIPR's decision to register in late 2014 came as a shock to many.

<sup>270</sup> The ECESR and the NCHRL were both founded by longtime members of the HMLC, itself a relatively radical organization that was pursuing grassroots political mobilization strategies and forging connections with the labor movement back in the mid-2000s; the ECRF maintains strong ties to the revolutionary April 6<sup>th</sup> Youth Movement; Manifesto's founders were among the most important organizing revolutionaries on the ground in Cairo in January 2011.

### ***5.2.1 Assessing Sisi's Violations***

This pattern emerged in relation to interviewees' assessments of the Sisi government's violations and their conceptions of how harshly rights organizations should criticize the current government. On this issue, there was a palpable chasm between the responses of el-Sheikh, Abu Saada, Qassem, and el-Sayyed and other interviewees. Abu Saada and el-Sayyed downplayed the magnitude of the Sisi government's violations and its assault against rights defenders. They cast doubt on human rights organizations that have taken especially strong stances against the Sisi government, suggesting obliquely that they were in league with the Muslim Brotherhood. El-Sayyed further asserted that too harsh an approach to the Sisi government was unwarranted, arguing that the government would respond positively to "effective campaigning" around human rights issues. Qassem and el-Sheikh made similar comments, with el-Sheikh arguing that the role of rights organizations is to "enter into dialogue with the government on human rights" rather than to criticize its human rights record outright.

While these comments may not appear particularly incendiary within the larger context of 2015 Egypt, where one can find media figures regularly and publicly calling for mass executions of Islamists, they do stand in stark contrast to the responses of every other interviewee surveyed for this project. Other interviewees, especially those representing the younger, more institutionally radical Egyptian organizations mentioned in the previous section, were generally in direct disagreement with Qassem, el-Sheikh, el-Sayyed, and Abu Saada. Where the former sought to moderate criticism of the Sisi regime and raise the specter of the Muslim Brotherhood, others did the opposite, excoriating the military

government at every turn. Accordingly, my research revealed discord on this matter that was strongly correlated to the positions of individuals' organizations vis-à-vis the Egyptian state, both currently and historically.

This dynamic lends credence to the assertions of numerous interviewees, including Lotfy, Saad, Seif el-Dawlah, and Khalil, regarding the deep division within the human rights community since the July 2013 military coup that brought Sisi to power. To be sure, this is not a new condition; Chapter 3 noted that the human rights movement in the 1990s was also fractured by disagreements over the appropriate distance between human rights organizations and an authoritarian state. Still, the level of discord emergent in my research—both that which interviewees described and that which I observed between individuals based on their positions within the human rights sphere—was striking. During the Mubarak period, while some organizations were closer to the state than others, the deep unpopularity of the government meant that rights NGOs were relatively more united, at least ideologically, in their opposition to the regime. My research indicates that this is not currently the case. The polarization that has taken hold within Egyptian society—and the equation of anything less than ceaseless loyalty to the state with terrorist sympathizing—has clearly had serious consequences for the unity of the human rights community. All of this hints at the tremendous strain that Egypt's deep social and political schisms are placing on human rights organizations.

### ***5.2.2 To Innovate or Not To Innovate?***

Just as the proximity of interviewees to the state seemed to dictate their appraisals of the Sisi government, it was also strongly correlated with which interviewees believed that human rights NGOs needed to alter their strategies and innovate new approaches to rights advocacy in the post-revolution period, as well as which interviewees reported that their organizations had done so. Representatives of the EOHR, the NCHR, and Ibn Khaldun Center did not report having significantly altered their approaches in the post-revolution period. Further, el-Sheikh, Abu Saada, and Qassem specifically voiced their disapproval of rights organizations deploying human rights for political aims, and both Qassem and Abu Saada dismissed suggestions that professional human rights organizations could or should diversify their mandates and devote organizational resources to grassroots mobilization work. On the other hand, the NCHRL, ECESR, ECRF, AFTE, EIPR, Nazra for Feminist Studies, and the NMTC and Manifesto campaigns were on the vanguard of post-revolution innovation in human rights advocacy strategies; representatives of these groups spoke at length about their organizations' post-revolution endeavors to balance their litigation, documentation, and lobbying activities with more politically-motivated grassroots mobilization efforts.

The separation between organizations that stressed innovating new approaches and those that did not was not particularly surprising, because, as Seif el-Dawlah indicated, this divide goes back to the 1990s:

Some organizations have chosen [a] distance from the everyday life of Egyptians and they call this “professionalism.” This is a split in the human rights community [...] that began in 1993 at the [EOHR]. And the disagreement was, “Is human rights about knowing the conventions inside out and being based in an office with

a good fax machine and someone who is fluent in both Arabic and English? Or is it [geared] toward building a popular movement?” Those who advocated the idea that it has to try to build a popular base were accused of being members of underground communist organizations by big shot human rights names who are still around now and speaking for human rights organizations.

She alleged that this split remains intact today, and her contention that “big shot human rights names who are still around now” were denigrating efforts to build popular bases of support for human rights was a not-so-oblique reference to people like Abu Saada. Seif el-Dawlah’s implication was that any reimagining of human rights advocacy and any deployment of rights principles as tools of grassroots mobilization are trends that do not extend to Egypt’s older, less radical, and more compromising human rights organizations. In my limited contact with this category of individuals during my research, I did encounter evidence for this contention. As noted above, Abu Saada, Qassem, and el-Sheikh all spoke out against a marriage between human rights and politics and viewed grassroots strategies with suspicion, contending that this is not the intended domain of human rights organizations. These sorts of comments recalled An-Na’im and Mutua’s contentions that the human rights industry induces Arab rights activists to view Western human rights NGOs and INGOs as the standard and reproduce their models and strategies.

Further, other interviewees confirmed that post-revolution shifts in approach and strategy to human rights advocacy have been a relatively limited phenomenon. Khalil noted that the number of organizations utilizing this kind of hybridized structure was still small. Raghieb stated that the rights movement currently evinces “no balance” in its approach to the defense of human rights. Bahgat offered:

It’s not a sea change in the Egyptian movement yet. There are only maybe three other organizations that are trying to be more community-based, after 2011

compared to before. The [AFTE] is doing much more in universities. The [ECESR] is working much more closely with slum-dwellers and workers. Nazra for Feminist Studies is doing much more with women human rights defenders in community settings. There is a new group called the [NCHRL], which is trying to build a membership base for human rights work. There is also a newer one called the [ECRF] that is also trying to build a social or political movement around human rights issues. But these are only the exceptions. The majority of the movement is still publishing press releases and reports and studies, and organizing conferences, or at best holding trainings. But not doing community-based human rights work.

Accordingly, while the organizational changes described by Raghieb, Khalil, Lotfy, Taher, Nagy, Gharib, Bahgat, el-Naqqash, Salmani, Toma, and Eskandar do represent a major departure from traditional approaches to human rights advocacy in Egypt, it is important to note that their responses do not appear to be indicative of a wide scale shift within the Egyptian human rights community; the larger human rights movement remains divided over the importance and efficacy of such an approach.

### **5.3 Beyond Cosmetic Changes**

Moving beyond disagreements between categories of interviewees, another theme emerging from the interviews was that there is a particular group of Egyptian human rights organizations that are altering their mandates, structures, and strategies in the post-revolution period in ways that challenge the traditional praxis of human rights advocacy as laid out by the human rights industry. The new approaches described by representatives of the NCHRL, ECESR, ECRF, AFTE, EIPR, Nazra, and the NMTC and Manifesto campaigns entail more than just paying lip service to broad concepts like “grassroots mobilization” and “constituency building.” Admittedly, these terms do not represent novel ideas in the context of international civil society; this kind of rhetoric would not be out of

place in the quarterly donor reports of an international development organization, for example. But interviewees described a dedication to these ideas that went beyond empty civil society jargon; the commitment of their organizations to this category of action reveals a significant shift in opinion within at least some rights organizations in the post-revolution period. These groups are endeavoring now more than ever to position non-activist Egyptians as their own advocates in a domestic struggle with the state, rather than solely positioning human rights activists and organizations as the representatives of the people before international fora and mechanisms. This shift in thinking is especially noteworthy in the human rights field, which, as Chapter 3 noted, has often treated the defense of human rights as an elite activity requiring a level of erudition that excludes those outside of civil society and academia from participation.

### ***5.3.1 Challenging the Human Rights Industry***

One notable aspect of the changes described by these interviewees is the extent to which they appear to have been motivated by many of the same concerns raised by scholars cited in Chapter 2. Respondents did not exhibit full consensus regarding where—or if—the human rights community had erred in the past; nevertheless, many of them—especially those representing this more radical class of organizations—expressed agreement with critics of the human rights industry with respect to the historical failures of rights groups. They did not use the terms “human rights industry” or “professionalization,” but Gharib’s lamentation that rights organizations have continually produced reports and circulated them among “the same forty organizations,” or Carey’s assertion that Egypt’s human rights

movement was “very good at criticizing but not very good at producing alternatives” were consonant with An-Na’im, Allen, Choudry, or Mutua’s criticisms of the human rights industry’s preferred professionalized advocacy models. Similarly, interviewees like El-Naqqash, Lotfy, and Eskandar criticized false divisions between human rights and politics and spoke of the need to provide human rights demands with “a backbone of political demands.” This too recalled nearly identical statements from Choudry, Suresh, Allen, and Ghai.

Further, in describing their organizations’ pursuits of more political forms of rights advocacy and their attempts to avoid the pitfalls of an outsized focus on professionalized rights work, interviewees indicated that the NCHRL, ECESR, ECRF, AFTE, EIPR, and Nazra have all adopted a model that prizes grassroots outreach and so-called professionalized advocacy equally. This model at once contains elements that are akin to Baxi’s “grassroots post-modernism” and also remains firmly engaged with the international human rights system and human rights law. To the former point, when Khalil describes the ECESR’s model as a tool for enabling people throughout Egypt’s governorates to express dissatisfaction with the state and make rights-based demands of the government through the Egyptian legal system, international human rights law is not a major consideration. These organizations are encouraging their constituents to define the entitlements owed to them by the state on their own terms, not according to the text of the ICCPR or the ICESCR. As Eskandar put it, rights advocacy “has to be driven by what people think their needs are, rather than what is important for the West to see. [...] If the agenda is set by the people, you have to prioritize it according to them.” This approach, which is common in one way



or another to all of the groups listed above, evokes Baxi's "struggle against the monoculture of universal human rights" in that it finds use for human rights discourses and principles away from the structures and mechanisms attendant to international human rights law.

Interviewees like Lotfy, Raghieb, and Taher described how their organizations were utilizing membership models and deploying human rights principles as frameworks through which to mobilize their constituents around demands for domestic political change. Khalil, Gharib, and el-Naqqash described similar efforts, noting that their organizations were committed to facilitating the growth and activities of social and political movements outside of professional civil society, rather than simply recruiting constituents to participate in organizational programming. Moreover, the post-revolution appearance of rights-based grassroots social movements like the NMTC campaign and Manifesto—which Toma and Eskandar described as a "bridge" connecting eager grassroots constituencies to professional rights organizations—as well as the eagerness of some of Egypt's most effective rights organizations to assist these groups, appears to lend further credence to the idea that this hybridized approach to human rights advocacy is beginning to take hold in Egypt. This vision, which, as Khalil notes, aims to "create a citizenry that can demand their basic entitlements across the board," evinces far greater commitment to the inculcation of An-Na'im's "internal popular human rights culture" than do the more traditional forms of human rights advocacy that have predominated in Egypt since the 1990s.

At the same time, these interviewees' insistence on the importance of retaining the hallmarks of professionalized rights advocacy—documentation, international lobbying,

litigation, etc.—recalls Azzam and Stammers’ contentions that the effective defense of human rights requires both broad-based grassroots movements and “institutionalized and career-minded professional advocates.”<sup>271</sup> Raghieb, Bahgat, el-Naqqash, Lotfy, Gharib and others all echoed this sentiment earnestly, contending that grassroots mobilization strategies should complement professionalized rights advocacy, not replace it. To be sure, all of these organizations also engage in thorough and well-researched reporting and documentation, as well as international lobbying efforts. This notion that strong transnational advocacy work can be effective only in concert with equally vigorous domestic political pressure also recalls An-Na’im’s contention that “human rights obligations should be discharged through a combination of internal efforts for legal and political accountability [...] and international cooperation and pressure.”<sup>272</sup> As such, the picture that emerges is one of a more holistic, balanced approach to human rights advocacy, at least among these organizations.

This whole dynamic, wherein professional rights groups maintain their focus on so-called “naming and shaming” techniques and also invest much more heavily in membership structures and grassroots advocacy efforts that are largely autonomous from the international human rights system, is a relatively new idea in Egypt. That human rights, as Baxi notes, “belong, at one and the same time, to institutionalized collective orders and to the spheres of social movements,” is not a concept that has historically enjoyed wide acceptance among professional rights organizations here. Nevertheless, my research indicates a nascent understanding of this “dialectical character” of human rights and a willingness to deploy rights not only as “eternal meta-juridical structures,” but also as

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<sup>271</sup> Azzam, “In defense of ‘professional’ human rights organizations.”

<sup>272</sup> An-Na’im, “Human Rights in The Arab World,” 704.

means of instigating popular mobilization outside the framework of international human rights law.

### ***5.3.2 The Post-Revolution Period as Incubator for Advocacy Innovations***

Another theme that comes through clearly in my research is that the abovementioned efforts to balance traditional rights advocacy techniques with grassroots mobilization activities are very much a product of revolutionary and post-revolution social dynamics. This entire model is predicated on the idea that the 2011 uprising demonstrated to Egyptians in a very visible way the power and influence they could marshal through collective action. Many interviewees asserted that the Egyptian public is in some way changed and emboldened since the revolution, and that this new dynamic is central to their mobilization goals. Morayef stated:

January 2011 was a transformative experience. I still think that when it comes to social justice and livelihood issues, people are not going to take shit from the government. I still think that there is a certain deference to the government that has been lost. There is more of an expectation of entitlement in terms of people's general public perceptions. So I think those are all good things in terms of having a sense of empowerment and demanding rights, which is where the human rights community comes in in terms of helping to formulate those demands and make them specific.

And Gharib asserted:

The Egyptian citizen now understands that he deserves something more. Even if he is satisfied with or accustomed to life as it is now, he knows that there is something better. There is a dream that he could attain. That was not present before the revolution. Before the revolution, people had no notion, even far on the horizon, that something better could come. But at least, in the last four years, people have seen that there is a life outside of this box. Something different can happen.

Raghib added that after the revolution, “a very important change took place in Egypt, in that hundreds of thousands of Egyptian citizens wanted to enter public space.” “For the first time in Egyptian history,” he continued, “[citizens] were a fundamental part of the game [...] and that is a completely different dynamic than the Mubarak days.” This is a quintessentially post-revolution dynamic. In spite of the sometimes manic level of public support for the Sisi regime, the experience of witnessing and participating in the revolution has strengthened the Egyptian populace’s conception of the entitlements owed to it by the state. Efforts to tap into Egyptians’ newfound eagerness to be “part of the game” lie at the heart of the post-revolution approaches of the NCHRL, ECESR, ECRF, AFTE, EIPR, Nazra, and Manifesto.

#### **5.4 Human Rights in the Crosshairs**

Finally, the interviews served to paint a much fuller picture of the motivations of the Sisi government’s crackdown on human rights organizations. The thesis has by now explored this campaign in some detail; Chapter 3 described how the government has used the media to erode public trust in human rights organizations and targeted them directly via the legal system. Still, seeing this dynamic described in practitioners’ own words illuminates precisely why the Sisi government has taken such an interest in specifically targeting human rights organizations within the context of its broader crackdown on domestic dissent.

At first glance, the ferocity of the Sisi government’s crackdown on rights organizations does seem a bit peculiar. While rights NGOs represent annoyances to

authoritarian regimes the world over, the fact of the matter is that professional human rights advocacy has never been the source of significant problems for Egyptian leaders. As Chapter 3 noted, since the removal of activist judges from the SCC and the enactment of Law 84 in 2002, rights organizations' capacity to truly challenge the government domestically has been seriously hampered. Further, though most rights organizations have been strong critics of each post-revolution government on the global stage and many have collaborated with human rights INGOs on reports about government violations, none of this work has produced tangible international consequences for the state. To the contrary, the Obama administration's decision to release hundreds of millions of dollars in frozen military aid just months after the Sisi government prevented Egyptian rights NGOs from participating in Egypt's UPR process is only the most recent example of the international community's unwillingness to hold Egyptian governments to account for their human rights abuses.<sup>273</sup>

With this in mind, it might seem that the Sisi government has placed an outsized focus on human rights organizations in its campaign to crush domestic dissent. However, as a number of interviewees noted, the current legal and media campaigns against rights NGOs are motivated not by specific, ongoing activities of human rights organizations but rather by the military state's belief that human rights organizations were closely connected to the events and legacy of the 2011 revolution. Numerous interviewees asserted that the Sisi government has taken note of the alliance that proved capable of unseating Mubarak

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<sup>273</sup> "Sisi welcomes release of withheld U.S. military aid." *The Daily Star*, April 2, 2015, <http://www.dailystar.com.lb/News/Middle-East/2015/Apr-02/293051-sisi-welcomes-release-of-withheld-us-military-aid.ashx> (accessed May 17, 2015).

and has moved decisively against all components of that alliance and anyone else it views as associated with the values of the 2011 revolution. To reiterate Raghib:

It's not that you do or do not violate the law. Rather, it's connected to your role or your place. [...] Rights organizations [...] are a part of a larger alliance within society. And that alliance has a particular agenda connected to human dignity and social justice and freedom—the values of the revolution. [...] The state knows well that this alliance poses a danger to them.

Accordingly, Abu Saada, Salem, Gharib, and several others mentioned that it is the “political work” of human rights organizations that truly concerns the state. They argued that as upset as the Sisi government may be by human rights organizations collaborating with rights INGOs and UN human rights mechanisms, the state's biggest concern is to sever any existing connection between human rights groups and the general public. This assessment is consonant with scholars quoted in Chapter 3, such as Sarah Ben Nefissa and Rosalind Petchesky, who noted the unique difficulties that authoritarian regimes pose to advocacy that relies on grassroots mobilization tactics. Further, this whole dynamic serves to drive home exactly why the Sisi government is pursuing human rights organizations so much more aggressively than the Mubarak government ever did. Mubarak never saw reason to believe that the message and work of rights groups could serve to galvanize huge masses of people in making revolutionary demands of the state. The fact that, as interviewees noted, rights organizations were not important players during the revolution is moot; their revolutionary role notwithstanding, human rights work has become closely associated with January 25<sup>th</sup> in the public imagination, and this positions rights groups as principal targets of the state's ire. As such, going forward human rights organizations are

likely to remain a central focus of the Sisi government's campaign against domestic opposition.

## **5.5 Summary**

Although the environment for rights advocacy in Sisi's Egypt remains extremely difficult, the research process allowed me to draw a number of conclusions about the effect of the 2011 revolution and the resulting counterrevolution on the praxis of human rights work in Egypt. The uncertainty and precariousness of the current situation is clear; rights groups find themselves torn between approaches, unsure of whether to make revolutionary grievances the centerpieces of their organizational mandates or keep their distance from Egypt's acrimonious ongoing political debate, remaining impartial observers of rights violations. This tension is evident in the division emerging from the interview process. Respondents described heightened tension and disagreement between rights organizations over how to proceed in the current period, and I also witnessed some of this discord firsthand during my time in Egypt. The Egyptian human rights community has suffered from a lack of unity for decades, but it became clear that there is no love lost between many of these organizations. In addition to personal disputes as well as arguments over which organization is the field's leader in issues of torture or economic rights, for example, it is not difficult to detect in Egypt a fundamental disagreement over the role and function of human rights organizations, as well as the ideal relationship between rights groups and the state.

This discord is evident in the fact that some rights groups have drastically altered their approaches in the post-revolution period, while the strategies of others remain unchanged. Accordingly, perhaps the clearest and most important finding of the thesis is that it is Egypt's youngest human rights organizations—generally, those established since 2008—that are on the vanguard of post-revolution alterations to strategies in human rights advocacy. These groups have, in the post-revolution period, significantly altered their organizational mandates, their strategies and activities, and even their conceptions of and ideas about human rights work in Egypt. They reported utilizing a hybridized organizational model that pairs a human rights focus with strong development and service provision emphases. These groups, often utilizing membership models, prize strong, constant presences within communities and constituencies outside of the professional human rights sphere, and endeavor to cooperate closely with nascent social movements connected to human rights issues. Further, they place these kinds of tactics on equal footing with international lobbying, documentation and other more traditional practices of human rights organizations.

Crucially, all of the interviewees representing these organizations described the revolution and the post-revolution period as the impetus for their changes, a fact I believe attests to the effects of the revolution on rights advocacy in Egypt. They talked about not only the increased profile of “human rights” language and rhetoric since the revolution, but also the idea that Egyptians have awoken to the fact that they are, as Raghieb put it, “part of the game.” The experiences of both the 2011 revolution and the anti-Morsi June 30<sup>th</sup>, 2013 popular uprising have visibly demonstrated the tremendous power that the people can



marshal through collective action, a potential that went largely unrecognized before 2011. It is telling that this category of Egyptian rights groups are recognizing the revolution's success in legitimizing and normalizing the idea of public demand-making and the people demanding satisfaction from the state. These groups are placing this new social dynamic at the center of their efforts going forward and tailoring their approaches to attempt to build on it. In examining the approaches and strategies of Egyptian human rights organizations established in the past seven years, it is easy to identify a concerted effort to help Egyptians in becoming their own advocates and to assist communities in advocating on their own behalves, rather than positioning the constituents of rights organizations as passive observers, uninvolved in demanding their own entitlements. My research demonstrates that while this trend may not yet constitute a sea change in Egypt, is a quintessentially post-revolution development.

## CHAPTER 6

### CONCLUSIONS

#### **6.1 Introduction**

This thesis aimed to examine how human rights practitioners in Egypt perceive the effects of the 2011 revolution and the resulting counterrevolution in terms of the domestic environment for human rights advocacy and future trends within rights advocacy. To answer these questions, the thesis draws on 25 interviews with Egyptian human rights practitioners and utilizes grounded theory to perform qualitative data analysis.

#### **6.2 Summary of Findings**

The research paints a picture of a difficult and incongruous environment for rights advocacy. Interviewees spoke at length about the seemingly paradoxical position in which Egyptian human rights defenders find themselves; they are hounded at every turn by an antagonistic government and confronted with an increasingly hostile general public, yet there also remains an undeniable connection between human rights language and principles and the legacy of the 2011 revolution. Interviewees described the Sisi government's success in connecting human rights organizations to the Islamist terrorists and foreign agents supposedly besieging Egypt from all sides, vying to derail the country's promised economic recovery. They also spoke about various repressive laws issued by decree, targeted arrests of human rights defenders, and restrictions of public space. Yet respondents also described other promising dynamics that suggested the lingering resonance of human

rights ideas and rhetoric in post-revolution Egypt. They spoke about the 2011 revolution's emboldening effect on the Egyptian public, as well as Egyptians' increased awareness of human rights principles and organizations. Further, interviewees spoke of a proliferation of loosely organized grassroots social movements mobilizing communities around Egypt in making rights-based demands of the government.

Egypt's human rights community remains split over how rights organizations should respond to this dynamic. Interviewees did not evince consensus regarding whether human rights organizations should continue to try to work with representatives of the state and fight human rights abuses from within the state's paradigm or renounce all cooperation and strive to be engines of fundamental political change at the popular level. Further, there was disagreement regarding the wisdom of rights groups pursuing grassroots strategies that fall outside of traditional definitions of human rights work. A minority of interviewees dismissed such efforts outright, contending that they were not within the purview of human rights organizations. Others did not express opposition to such an approach, but did not report their organizations as having undertaken such efforts. Finally, a not insignificant number of rights groups, like the innovators described in section 6.3.1 of chapter 6,<sup>274</sup> described efforts to balance traditional strategies (reporting, lobbying, litigation, etc.) with more mobilization-oriented activities that signify the sort of expanded definition of human rights advocacy discussed in Chapter 2. These groups engage with the institutions of international human rights law but they also view grassroots mobilization efforts and membership structures as falling within the purview of human rights organizations, even

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<sup>274</sup> These are the NCHRL, the ECRF, the AFTE, the EIPR, Nazra for Feminist Studies, the ECESR, and the NMTC and Manifesto campaigns.

though such efforts rarely entail engagement with the law itself. As several of these interviewees contended, Egyptians know and understand their entitlements already; whether they articulate those demands on the basis of international law or not, assisting them in doing so still constitutes “human rights work.”

This split within Egypt’s human rights community over how to proceed in the post-revolution period mirrors the debate over definitions of “human rights” and “human rights work” described in Chapter 2. As Seif el-Dawlah put it, rights defenders differ over the question, “Is human rights about knowing the conventions inside out and being based in an office with a good fax machine and someone who is fluent in both Arabic and English? Or is it [geared] toward building a popular movement?” In 2015 Egypt, post-coup political realities make this question exceedingly difficult to answer. On one hand, an approach based on “knowing the conventions inside and out” and having “lots of sophisticated equipment and an office in a nice part of the capital city”<sup>275</sup> has been a defining feature of the Egyptian human rights movement for decades. Further, Egypt’s governments have all, to some extent, tolerated that category of activities. But such an approach has not proved especially effective. Hundreds of reports on government violations and numerous trips to New York and Geneva to meet with representatives of international human rights mechanisms have produced some individual successes, but little tangible change in the lives of millions of Egyptians suffering from, as Mutua phrases it, “the most blatant, brutal, and unimaginable denials”<sup>276</sup> of their rights.

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<sup>275</sup> An-Na’im, “Problems of Dependency,” 23.

<sup>276</sup> Mutua, *Human Rights NGOs in East Africa: Political and Normative Tensions*, 22.

On the other hand, activities geared toward “building a popular movement,” while unprecedented, appear well suited to the dynamics of the post-revolution period. The Sisi government has demonstrated its imperviousness to international pressure over its human rights record, and Egyptian society remains deeply discontented over economic and social grievances that formed the core of revolutionary demands. Accordingly, as organizations predicated on values and ideals that are closely tied to the legacy of the 2011 revolution, human rights groups might be uniquely positioned to instigate popular mobilization around revolutionary demands. However, as many interviewees pointed out, unlike reporting and lobbying activities on the international stage, this sort of “political work” is precisely what the Sisi government is so keen on stamping out, and is sure to meet with swift, harsh retribution from the state. Accordingly, such an approach is quickly becoming unfeasible in 2015 Egypt.

This is the central quandary emerging from the research. In my estimation, Egyptian rights organizations find themselves torn between approaches, unsure of how to proceed. Gharib described this dynamic eloquently, invoking the idea of “dancing on the stairs.” She said:

All the old manners of thinking about human rights advocacy—i.e., organizations like the [EOHR], the reliance on issuing press releases—these are some of the main things we have been criticizing. The idea that professionally, you have to do these things because you are a human rights organization—we know that this is not enough. We don’t want our role to end there. But we also are not able to reach the larger vision we are trying to achieve of becoming more connected to the grassroots level and more structured in that manner. So the situation is really up and down. In Egyptian we refer to it as “dancing on the stairs.” Are you going to go up or down? You’re stuck in the middle of stairs. [...] This is exactly the reality of [...] human rights organizations as one of the components of the revolution.

This is an apt metaphor; Egypt's human rights community truly is dancing on the stairs, stuck between two extremes, unsure of where to go. At one end of the staircase is the traditional approach to human rights advocacy that most Egyptian organizations have utilized for decades, one that is relatively safer but of questionable efficacy and impact. At the other is the prospect of human rights organizations making concerted efforts to capitalize on their connections to the values of the revolution and integrate themselves with grassroots movements in a structured and effective manner. Such an approach could carry great promise, but is also sure to place rights defenders at great personal risk. Of course, this debate exists alongside one major caveat: the Sisi government's zealous offensive against human rights organizations may render such discussions entirely moot. Should the current government decide that it truly intends to close down human rights organizations en masse—and dramatic as that suggestion may seem, it also is not outside the realm of possibility—talk of future trends in Egyptian human rights advocacy will take a backseat to discussions of whether Egypt will have a community of human rights defenders at all.

### **6.3 Methodological Reflections**

This thesis employed a fairly straightforward research methodology. Conducting semi-structured interviews in the role of a participant observer and analyzing those interviews qualitatively using grounded theory enabled me to perform a sober analysis of the data and allow a theory to emerge from the research. It is important to note that my larger goal was not to use interview responses to develop a theory regarding “human rights” in Egypt. Rather, my interviewees themselves were the subjects of the study. I was

interested in how human rights defenders viewed the revolution and the post-revolution period and how a theory about the future of human rights advocacy in Egypt might be extrapolated from the beliefs and behavior of Egyptian human rights practitioners. This is why an ethnographic study, as opposed to, for example, a quantitative study based on survey responses and a rigid, structured interview process, lent itself especially well to this research. This methodology allowed me to observe how interviewees spoke about one another and compare and contrast their responses to ongoing political developments.

As noted in Chapter 4, while respondents described considerable division and disagreement within Egypt's human rights movement regarding how closely rights groups should cooperate with the state and which activities fall within the purview of human rights organizations, the majority of my interviewees expressed agreement with one another in denouncing the Sisi government outright and endorsing the innovation of new strategies in human rights advocacy. Interviewees from organizations known to have relatively closer relationships with the Egyptian government were dissenting voices on these matters, but they represented a small minority. In retrospect, I would have liked to interview more rights practitioners who believe—as the Sisi regime claims—that the Muslim Brotherhood truly is a terrorist organization, that the rights violations of the Sisi government are exaggerated, that human rights organizations have treated the Sisi government too harshly, or that more politicized forms of action have no place in the human rights sphere. It is clear that while these beliefs are perhaps a minority within the larger Egyptian human rights community, they do exist. Stronger representation from that category of individuals likely would have strengthened the claims of my research. Nevertheless, between the few interviewees who

expressed these opinions outright and the many others who described encountering such sentiments from other rights defenders in their work, I believe sufficient evidence for this trend did emerge from the interviews.

#### **6.4 Recommendations for Future Research**

Going forward, I believe that intersections between human rights principles and rhetoric and burgeoning forms of community and grassroots organizing around human rights issues will be fascinating and important areas of study in Egypt. My research only scratches the surface of this topic. In particular, where my research focused on Egypt's community of professional human rights practitioners, it would be very interesting to see similar research conducted with populations further removed from professional civil society. Neighborhood popular communities in Cairo and Alexandria slums, women's groups in the Nile Delta, the Nubian Youth Movement in Upper Egypt—to what extent are the leaders and members of these groups familiar with international human rights law, and how does it inform their work, if at all? To what degree do they cooperate with Cairo-based professional human rights organizations? Do they consider their work to be “human rights work?” What are the larger implications of the answers to these questions for the larger academic debate about definitions of human rights discussed in this thesis? All of these questions are ripe for future research and are certain to reveal interesting insights regarding the global proliferation of human rights language and ideas in the post-9/11 era.



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## APPENDIX 1: QUESTIONNAIRE

### **Questions tailored to Practitioners (Local/Regional/International)**

**Note:** Prior to conducting interviews, the researchers should:

- Have time to discuss with other researchers the questions and explore possibilities of probing and possible challenges that might be faced during the interviews
- Have an induction session to be conducted by other researchers (who have worked on the initial phase of interviews) or by one of the project team members. Through the induction session the overall aim of the project will be explained and discussed and interview questions will be clarified when needed.
- Familiarize her/himself with the questionnaire in such a way that allows her/him to gauge which questions would be best answered by the interviewee from an organizational perspective, and which questions require a personal perspective. When appropriate, the researcher can make these distinctions clear to the interviewee on a question-by-question basis.

### **Research Questions**

- 1- How has the Human Rights discourse in the Arab Region evolved over time?**
- 2- What has been the effect of Human Rights on policy making, practices, governance? Have laws changed? Which policies have been influenced by Human rights discourses?**
- 3- How successful has the Human Rights Approach been in the region? Success stories? Failure stories? What level of impact have Human Rights had?**

### **SECTION I (Basic Information)**

- Name, address, organization, contact details
- How long have you been working with this organization?
- What kind of work have you done before this? Was it in the human rights field? Humanitarian response? Development? Other?
- What motivated you to work in the field of human rights generally? And why this organization specifically?
- What was the motivation behind the initial founding of your current organization? What were the founders' initial goals? Were they trying to fill a specific gap by founding this organization?
- What are the main human rights issues your organization focuses on? (can tick more than one)
  - All human rights
  - Civil and Political rights (including torture, detentions, democratization etc)
  - Economic and social rights (including housing, work, labor)

- Women's rights
  - Child rights
  - Migrants and refugees
  - Other \_\_\_\_\_
- Are you involved in other human rights work/activism outside of your principal organization? If yes, what is the focus and why?
  - What are the main obstacles that your organization faces? Please explain
    - Political
    - Social/cultural/religious
    - Legal
    - Bureaucratic
    - Other
  - If you are involved in human rights work or activism outside of the work of your organization, what obstacles do you face?
  - Can you explain your organization's level and nature of cooperation with civil society organizations on the local, regional and/or international level?
  - Do you (if active outside of your organization) cooperate with local, regional or international actors (organizations and/or individuals)?

## **SECTION II (Successes and failures, impact)**

- What are the principal strategies that your organization utilizes in working on the specific issues you mentioned earlier?  
(can tick more than one)
  - Legal aid
  - Public advocacy/media
  - Human rights education
  - Public discussion/conferences/seminars
  - Research and knowledge building
  - Cooperation/participation with government
  - Other
- Given the human rights situation/landscape in your country today, and how that landscape has shifted since the founding of your organization, how successful do you think your organization has been in achieving its principal goals? Has the organization affected tangible change in the issues it is working on? Why? Why not?
- Can you give specific examples of successful projects/programs/work? What factors helped you succeed?
- Can you give specific examples where programs were not successful? What factors caused the failure or lack of success?

Note: We can also ask about success and failure on the individual level if the person mentioned that they are active outside of the work of the organization.

**SECTION III (Policy change) - for those working on policy change only based on the information provided at the beginning of the interview**

- To what extent are the government and its bodies responsive to human rights concerns expressed by your organization and others?
- Have you noticed a change in that over time?
- Are there specific human rights concerns that the government is willing to receive more positively than others?
- Similarly are there specific human rights concerns to which government actors are especially antagonistic?
- Can you give me some examples where your organization has attempted to change government policy or pressure the government to change specific policies or law? Which policies did you target and how?
- Since the founding of your organization, do you think the human rights community in general and your organization in particular have overall been successful in forcing/affecting policy change at the governmental level? Why/why not?
- Do you think external pressure (regional or international) has an impact on policy change in your country? Why/why not?
- Most Arab countries now have official human rights institutions. What is your view of those institutions? To what degree have they succeeded?

Note: The researcher should be familiarized with the notion and functions of the national human rights institutions

**SECTION IV (Discourse change)**

- Have you had to adjust your priorities, goals or approaches over time? Howso, and what influenced these changes?
- Have the focuses, priorities and goals of human rights organizations in your country changed over time? Are there specific human rights issues that have become more prominent in recent years? Or have received more attention from local human rights organizations as well as international organizations and funders? If yes, why?
- Have the focuses, priorities and goals of human rights organizations in the region changed over time? Are there specific human rights issues that have become more prominent in recent years? Or have received more attention from human rights organizations as well as international organizations and funders? If yes, why?
- How would you characterize the views of “average citizens” (i.e. those who are not involved in the human rights scene) about human rights concepts? Have their ideas about human rights changed with the passage of time? How are they different within the context of the political turmoil of the past several years?
- Can you describe the reactions you encounter when you tell people you work for a human rights organization? How do they respond? Do you encounter hostility? How have these responses changed with the passage of time?

- In many cases, the political changes of the past several years in the region were initially accompanied by a temporary public sanctification of rights activists, organizations and concepts. But since that time, this optimism seems to have deteriorated, and many general publics have grown very suspicious of the intentions of human rights activists and organizations. Do you agree with this assessment? Why or why not? Can you talk about this progression?
- Insofar as there was an initial sense of optimism surrounding human rights, especially coinciding with the uprisings across the Arab world in 2010-2011, did this extend to government officials or government stances on human rights issues? Was there at any point a sense that revolutionary enthusiasm around human rights was capable of bringing about substantial change in government policy or attitude towards human rights? How did that process play out in light of the political changes?
- Can you characterize the current government campaign in your country against human rights activists, organizations and concepts? What are the campaign's major tools? (Media propaganda/ raids on organizations' headquarters/ judicial system, etc.)
- Can you compare the current campaign to similar campaigns from previous governments?

## **Section V: Theory, practice and reflections**

Note: The goal of this section is for researchers to take some of the common assertions and debates within academic theory about human rights movements in the global south and pose them to practitioners. Hopefully, interviewers can get interviewees to explore these ideas and explain how they are or are not applicable to the practicalities of human rights advocacy on the ground in their countries.

- Some theorists contend that Arab human rights movements suffer from a lack of local legitimacy and local accountability due to issues of elitism. There is a notion that the prevalent strategies utilized by professional Arab human rights organizations—strategic litigation, naming and shaming, issuance of reports in cooperation with international organizations, holding press conferences, attempts to change government policy, etc.— are "elitist" in that they do not entail sufficient emphasis on constituency-building, outreach, and building an indigenous human rights culture at the popular level. Do you agree with this assessment? Can you reflect on this assertion through the lens of your own work in the human rights field?
- Do you believe that the reliance of Arab human rights organizations on foreign funding is problematic? Some contend that dependence on foreign funding renders human rights organizations accountable before the international community and not before their local constituencies. There is a notion among some that rights organizations must extract themselves from this dependency and foster sources of

local funding in order to cultivate legitimacy on the local level. Do you see a dependence on foreign funding as detrimental to the advancement of human rights? Why/why not? Does your organization utilize any domestic funding? Does the legal framework in your country allow for the gathering of any local funding for human rights organizations? How do you gauge the importance of gathering local funding to the advancement of human rights in your country?

- How would you describe the effect of the Arab revolutions of 2010-2011 and the ongoing political upheaval in the region upon the actual practice of human rights activism/advocacy? What have been the lasting effects of revolution on the way in which you and others in your field do your jobs? It seems that the revolutions, especially in Tunisia and Egypt, have demonstrated the power and importance of mass mobilization of the general public. Has your organization and/or the larger human rights movement in your country shifted strategies and approaches in light of this development?
- How do you engage with perceptions in the region about human rights as western, imposed values? Is this an issue you confront? Which segments of the population generally raise these concerns to you? How do you deal with issues of cultural relativism? What is the relation between human rights as universal values and the local/ cultural and religious values dominant / present in your country? Does this pose a challenge for your work?
- In the future, what changes need to take place on the national level in order to allow for successful policy change and the adoption of laws in line with international human rights standards? Where do the principle obstacles currently lie? Is it entirely a matter of political will, or is there a sociocultural barrier as well?
- Has any of that changed in the last 20 years?