



American ideals. Universal values.

# How to Make Change in Egypt a Human Rights Success Story

BLUEPRINT FOR THE NEXT ADMINISTRATION

December 2012

BLUEPRINT  
FOR THE NEXT U.S.  
ADMINISTRATION

## ABOUT US

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

This report is available for free online at [www.humanrightsfirst.org](http://www.humanrightsfirst.org)

© 2012 Human Rights First. All Rights Reserved.

### Human Rights First

#### New York Office

333 Seventh Avenue  
13th Floor  
New York, NY 10001-5108

Tel.: 212.845.5200  
Fax: 212.845.5299

#### Washington D.C. Office

100 Maryland Avenue, NE  
Suite 500  
Washington, DC 20002-5625

Tel: 202.547.5692  
Fax: 202.543.5999

[humanrightsfirst.org](http://humanrightsfirst.org)

# How to Make Change in Egypt a Human Rights Success Story

## BLUEPRINT FOR THE NEXT ADMINISTRATION

*“But I do have an unyielding belief that all people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; the freedom to live as you choose. Those are not just American ideas, they are human rights, and that is why we will support them everywhere.”*

**President Obama**, in his speech  
“A New Beginning”, Cairo, June 4, 2009

## Introduction

The U.S. government has made a firm commitment to support peaceful democratic change in Egypt. The challenge now is how to fulfill that commitment while at the same time pursuing U.S. national security and economic objectives. In the long term these objectives are mutually consistent and reinforcing. But in the short term the challenge is to craft policies that lay the foundation for building strong democratic state institutions in Egypt and supporting those in civil society who are committed to working toward that objective, while at the same time dealing with the formidable economic challenges now facing Egypt as well as the local and regional security issues in which the government of Egypt has a key role to play. President

Mohamed Morsi's November 23 decree and the various reactions to it, have underscored both the scope of these challenges and the critical need for the U.S. government to respond well.

The United States' relationship with Egypt had the appearance of stability for decades. Yet, as the protests that started in January 2011 emphatically demonstrated, Mubarak's Egypt was not stable at all, especially in its later years. Political reform stalled and then went into reverse, and social and economic problems multiplied. Because of its close association with the Mubarak government over the decades, the United States came to be seen as complicit in this decline.

The old way of doing business with Egypt's rulers is no longer a viable option for U.S. policy makers. In the past, the U.S. government would “reward” President Mubarak for his cooperation toward U.S. foreign policy goals by ignoring his lack of progress on long-promised, but always postponed, political reforms. It cannot treat President Morsi or any future leaders the same way. While it is welcome that President Morsi is willing to cooperate with the United States in seeking to contain the current crisis in Gaza, for example, it does not follow that he should therefore be exempt from any U.S. pressure for Egypt to move forward with its still incomplete transition towards democracy. Egypt is in the midst of a volatile transition with an uncertain outcome. The United States needs a reliable strategic partner in Egypt, and needs to engage robustly throughout the transition so that Egypt moves forward in the direction of greater respect for human rights and the rule of law.

The draft of a new constitution, prepared by a 100-person constituent assembly dominated by representatives of Islamist groups, fails to provide adequate protections for basic rights and freedoms.

The majority of Egyptians desire a more representative government that will restore law and order and provide the conditions that can produce a much-needed economic recovery. The U.S. government needs to reach and support their aspirations.

The U.S. government has been right to give its support to democratic change in Egypt. Perhaps its biggest choice to date, since the overthrow of Mubarak, was whether to recognize the election of Egypt's first civilian

president, a former Muslim Brotherhood leader. The Obama Administration appropriately chose to respect the outcome of the democratic process, despite legitimate concerns about the possible human rights consequences of Muslim Brotherhood rule. Respect for the transition process itself puts the U.S. government in a position to insist that the leaders who emerge from this process are bound by its constraints and requirements.

Now the administration needs to develop a strategy focused on building institutions that will have the will and capacity to strengthen the rule of law and hold the security forces, executive power, and extremist groups in check so that Egypt's transition can proceed. It should focus on protecting and helping to sustain the free functioning of independent civil society organizations, women's rights, freedom of expression, religious freedom, and media and Internet freedom.

In addition, the administration needs to recognize that new political conditions in Egypt require a new approach from American policy makers. After decades of support for the Mubarak regime, U.S. relations with large parts of Egyptian society are broken and in need of repair. If the U.S. government is to play a constructive role in Egypt, it should focus much greater attention on establishing trust with a wide range of opinion leaders and engaged citizens.

Egypt now has several competing centers of power, including the president, the government bureaucracy, the judiciary, the parliament (when it is reconstituted), the military, private business freed from the constraints of operating in an authoritarian climate—and the new element of public opinion. Failure to respond to these new and changing realities would risk the U.S. government engaging in democracy prevention in Egypt, despite its rhetoric to the contrary.

To be successful, this new approach must start at the U.S. embassy in Cairo. U.S. government representatives in Egypt should be proactively looking for ways to demonstrate U.S. support for democratic progress in practical ways. This includes a new commitment to both private and public engagement and communication, including transparency and explanations of the rationale and motivations of U.S. policy decisions in Egypt.

The stakes in Egypt are high, and it is in the U.S. interest that it succeeds as a stable, democratic, and independent country. A positive relationship could transform U.S. interaction with the Middle East and make it easier for the U. S. government to cope with the region's many policy challenges: from violent religious extremism to the shadow cast by unreconstructed authoritarians in Saudi Arabia and the Gulf, from Iran's nuclear program to the crisis in Syria and the moribund Israel-Palestinian peace process.

# How to Make Change in Egypt a Human Rights Success Story

## A New Approach

There is no real alternative for the U.S. government to supporting peaceful democratic change in Egypt. Continuing instability and a slide into chaos would be calamitous, and a return to military-backed authoritarianism is both implausible and would not result in stability.

The U.S. government should respond to the radical changes underway in Egypt with an equally radical reconfiguration of the rich bilateral relationship that takes into account the new realities of dealing with an emerging multivocal and pluralistic Egyptian government and society. By continuing the patterns of the past, the U.S. government risks inadvertently holding back the possibilities for democratic progress.

The United States government knows the values and practices that undergird the functioning of a successful democratic state. These include the rule of law, protected by an independent judiciary; a free press and clear legal protections for freedom of expression; religious freedom and protection of the rights of religious minorities; and strong independent civil society organizations with the capacity to monitor the behavior and conduct of government institutions and to expose official wrongdoing. This infrastructure cannot be built overnight, and it must be put in place by Egyptians themselves. U.S. policy should be geared towards helping Egyptians put this necessary infrastructure in place.

The U.S. government is faced by a challenge of how to exert its influence in such a way that it strengthens those forces in Egypt that believe in democratic values and are committed to advancing human rights. In doing this, the United States should recognize that it is the transition process itself that is the best guarantee for Egypt making progress towards institutionalizing democratic

change. The main beneficiaries of delays and setbacks in the process are extremists and others opposed to democratic progress. Holding free and fair elections, especially for a new parliament, but at every level of government, is a better way to resolve political impasses, such as a highly polarized debate about the role of Islam in a new constitution, than street violence or attempts to reimpose authoritarianism.

## RECOMMENDATIONS

### Review the bilateral relationship with Egypt and restructure it to meet the challenges of new political conditions in Egypt and to promote Egypt's transition to democracy

- A new policy should start by reaching beyond familiar relationships with the military and security establishments; avoid replicating an overreliance on the super-empowered presidency and, instead, recalibrate the relationship to reflect the plurality of emerging centers of power, including civil society and human rights defenders. Treating Egypt like a pluralistic democracy will assist in the process of encouraging it to become one.
- Commit the resources of the United States to the universal values of human rights.
- Support the transformation of Egypt's military into a pillar of support for an emerging democratic system. The U.S. government has ways to seek to influence the Egyptian military, not least through the leverage that annual military assistance of \$1.3 billion affords. However, if seeking to promote civilian, democratic rule in Egypt is the goal of U.S. policy, then attaching conditions to military assistance has only a limited utility. Military assistance provides an appropriate tool for the U.S. government to encourage and persuade the Egyptian military to adjust its role in society so that it becomes a stabilizing pillar of a democratic society rather than a threat to it. It is not the right tool for seeking to influence the policies of the civilian government.
- U.S. officials should make clear their disapproval of military interference in politics and their support for military leaders being held accountable for their

actions, including their responsibility for human rights violations. The military budget should come under civilian oversight, and extensive military control over many sectors of the economy should be reined in.

### **Reposition the role of the U.S. Embassy as a partner to both a democratic government and to civil society**

Influential voices in Egyptian society—old and new—are suspicious of the U.S. government’s commitment to human rights. The U.S. embassy in Cairo needs to work with embassies from like-minded countries to show consistent and public support for independent civil society, and to explain to the Egyptian public how and why it is supporting democratic values—not as some conspiracy to undermine Egypt’s sovereignty and harm Egypt’s interests, but as part of a global commitment to promoting and protecting universal values of human rights.

- The U.S. government should embark on a sustained public outreach campaign directed at engaged citizens and opinion leaders in Egypt to explain its policies and the principles that undergird the bilateral relationship, including an unequivocal and clearly discernible commitment to human rights.
- The U.S. government should make a new commitment to greater transparency in its dealings with the Egyptian government and public figures.

### **Promote values that are at the foundation of democratic society, yet are in danger of being rejected or ignored in a new Egypt**

- **Women’s Equality:** The U.S. government should urge the Egyptian government to increase the representation of women in all levels of government, in accordance with the goals set forth in the Equal Futures Partnership. It should offer training and technical assistance to the police and security services to stamp out the alarming increase in incidents of sexual assault against women that have occurred during the transitional period.

- **Freedom of Expression:** Freedom of expression should be a key barometer for the U.S. administration to measure the development of Egyptian democracy.

- The U.S. government should make clear its opposition to the extension and expansion of blasphemy laws in Egypt, and especially to the adoption of a constitutional article outlawing insult or defamation of religion.
- The United States should highlight human rights abuses caused by the blasphemy laws in Egypt, which are not only used to persecute religious minorities and to empower extremists, but also to undermine freedom of expression. Accusations of defaming religion are frequently made and have the result of chilling open political debate.
- Encourage public officials to create an environment in which freedom of expression is protected and religious pluralism is promoted by denouncing acts of hatred and speech intended to undermine the equality and other rights of all Egyptians, regardless of their religion or belief.
- The U.S. government should urge the Egyptian government to oppose the defamation of religions concept—which advocates an international standard banning speech deemed insulting to religion—in its foreign policy at the United Nations and elsewhere.

### ■ **Freedom of Religion:**

- The U.S. government should support the adoption of laws that enhance the equal protection of religious minorities, including laws that enable religious communities of all faiths to construct and maintain places of worship and other religious buildings without discrimination.
- The U.S. government should urge the Egyptian government to put an end to incidents of religious violence, especially attacks against the minority Coptic Christian community, such as occurred in Dahshur in July 2012 and in Rafah in October 2012. Those who instigate or take part in sectarian violence should be subject to



criminal investigation and prosecution where warranted.

- **Internet Freedom:** Social, political, and economic development in Egypt is dependent on a free and open Internet. Given that the country's Internet was shut down during the revolution, efforts to protect the Internet from further abuse are a high priority. The administration should continue ongoing efforts to promote Internet freedom in Egypt. Specifically, it should:

- Provide additional funds to civil society activists for tool development and training on safe use of communications technologies for human rights advocacy.
- Provide training for newly-elected executive and legislative branch officials, and for senior civil servants in relevant ministries to raise their awareness of best global practices in protecting freedom of expression online, and on user privacy and security issues.
- Promote legislative and regulatory reform to ensure a more transparent, more representative and rule-based regulatory authority for the information and communication technology (ICT) sector, including through revision of the law on communications, and changes in the composition of the National Telecommunications Regulatory Authority (NTRA) to make it more representative of stakeholders in the sector, including business, civil society, and government.
- Promote consensus between local business leadership and civil society to advocate for necessary reforms to ensure the free flow of information online.
- As part of democracy-building efforts, consider ways to leverage existing trade, aid, and investment policies in support of Internet freedom goals.
- The U.S. government should make clear to the Egyptian government that it regards progress towards meeting specific Internet freedom goals

as key indicators of the progress of Egypt's transition to democracy.

- The U.S. government should urge such reform on the Egyptian government as a way to encourage greater international investment in the fast-growing ICT sector.
- The president or secretary of state should make a public statement articulating the importance of Internet freedom to safeguarding universal values of human rights.

### Deepen Support for Civil Society

Civil society is under pressure in Egypt, precisely at a time when its voice and organization are needed to help lay the foundation of a new government.

The issue of foreign funding for independent civil society organizations in Egypt, in particular, has become a bone of contention between Egypt and the United States. A "new" draft revision of the law governing nongovernmental organizations (NGOs) presented to the cabinet in September turned out to be a slightly revised version of a Mubarak era document that retains many of the restrictive elements of the current law, including a prohibition on NGOs receiving funding from abroad. To be independent, Egyptian NGOs need to have access to funds that are not controlled by the Egyptian government. Under Mubarak it was virtually impossible for Egyptian NGOs, especially those working in areas that may be critical of government policies, to raise funds from private Egyptian sources. While over time Egyptian civil society must build its capacity to raise funds domestically, in the short to medium term support from foreign sources, both governmental and nongovernmental, is essential.

#### **To strengthen support for independent civil society organizations, the administration should:**

- Urge the adoption of a new law governing independent nongovernmental organizations (NGOs) that complies with international human rights standards and, in particular, enables NGOs to receive financial support from sources independent of the government, including international sources.

- Together with international partners, assist the Egyptian authorities in establishing a regulatory framework for NGOs that protects the right of freedom of association while ensuring that organizations are transparent and accountable.
- Issue a public statement from the U.S. embassy in Cairo making clear that the U.S. government is committed to offering political and financial support to human rights, consistent with U.S. policy globally and universal values.
- Engage with a wide range of civil society actors, including human rights defenders, and make clear to them what support—financial and political—it is able to offer.
- Continue to provide assistance for democratic development in Egypt, including providing direct support for independent Egyptian civil society organizations working in the fields of human rights and democracy promotion, and providing targeted support to state institutions essential to the functioning of democratic society. Government institutions, like the parliament and the National Human Rights Council were weakened in the Mubarak era, but their proper functioning will greatly assist Egypt in its transition and the U.S. government should devote resources to enhancing their capacity.
- Resist efforts by the Egyptian government to control U.S. funds for democratic development.
- Ensure that democracy assistance and other funds designed to support independent civil society are available from diverse sources, thereby making it more difficult for Egyptian authorities to impose restrictions.
- Coordinate support for independent civil society organizations with other like-minded governments and make clear to the Egyptian authorities that efforts to impose restrictions will be met by opposition from many governments.
- Explore the possibility of developing a multilateral fund to support civil society organizations in Egypt that may avoid the negative attention that U.S. democracy assistance has been subjected to.

## Supporting economic recovery

The months of political uncertainty in Egypt have damaged the Egyptian economy. Failure to set the Egyptian economy on a track to recovery would fuel social unrest and ultimately threaten the transition. Such assistance is not and should not be a blank check—if the transition goes badly off track there should and would be consequences—but the tone in which the aid package is given will be important in how it is perceived in Egypt. The language of “mutual interests” is likely to be better received than that of “aid and assistance” that connotes a relationship of dependency.

It is worth remembering that this is not a one way street. There would be benefits for the United States in an economic recovery in Egypt. Prior to the 2011 protests the Egyptian economy was growing at a rate of 7% per year, and such growth rates could return if the right conditions are created on the ground resulting in opportunities for American exports and for investment by American companies in the Egyptian market.

The U.S. government as a supporter of the transition should be a leader in both providing the economic support that Egypt requires and in encouraging other countries and multilateral economic institutions to do the same.

### **To strengthen Egypt’s recovery, the administration should:**

- Negotiate a deal to make available up to \$1 billion in debt relief.
- Provide financing for Egyptian companies through such initiatives as the Egyptian–American Enterprise Fund.
- In coordination with other governments and multilateral lending institutions, support a broad program of economic reform in Egypt. Funds of up to \$1 billion, tied to the achievement of specific economic benchmarks, should be devoted to this initiative.
- Fully fund the Middle East and North Africa Incentive Fund, contingent on the government of Egypt reaching benchmarks in the fields of human rights and democracy, including holding free elections to



reconstitute the parliament, adopting a constitution that upholds international human rights standards and protects the rights of all Egyptians, and protecting basic freedoms of expression, association, and religion.

### **Continue to provide military assistance to Egypt**

The U.S. government should continue to provide military assistance to Egypt, in accordance with the security interests of both countries, and dependent on Egypt's military not interfering with or obstructing the democratic transition. In particular, the U.S. government should encourage Egypt's military leadership to become a full part of Egypt's emerging democratic state infrastructure, placing the military budget under civilian scrutiny. If the military does interfere in the political process in such a way that it becomes an obstacle to a democratic transition then the United States should reconsider its military package.

## **Conclusion**

To make Egypt's transition a human rights success story, the United States must visibly and intentionally promote rule of law, pluralistic democracy, and civil society at the center of the bilateral relationship. It must consciously move away from the failed policies of the past that too often traded promotion of these universal values for vague and, ultimately, vacuous assurances of stability. While avoiding becoming directly involved in political decisions that rightly belong to the Egyptian people, the U.S. government needs to make unequivocally clear that it stands for democratic values in their full sense in Egypt, and it should invest in new ways to bring this message to a large audience of Egyptians who are skeptical of American intentions. Having established a clear framework for its engagement with Egypt's government, American encouragement and even pressure to advance human rights can be understood within that context.

The political changes in Egypt provide an opportunity to make a clean break with the mistakes of the past. A bilateral relationship that prioritizes promoting human rights, the rule of law, and the strengthening of democratic institutions in Egypt would provide the Egyptian people the chance they need to build a modern civil state that protects the rights of all. Such a vision will not be easily accomplished, but having ousted their dictator largely peacefully, the Egyptian people deserve the support of the United States as they build the institutions of a new democratic state step by step.







American ideals. Universal values.

New York, N.Y. | Washington D.C. | [humanrightsfirst.org](http://humanrightsfirst.org)