

International Day of Democracy - 15 September 2021

Is Democracy Possible in the New Republic?

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Belady: an Island for Humanity-- a Human Rights Organization supporting Egyptian Women & Children since 2017

Belady aims to dismantle institutionalized violence by documenting the Egyptian regime's violations against women and children and educating national and international society and decision makers about them. We also pressure and advocate amendment of legislation that codifies violations while calling upon authorities to implement overlooked laws and treaties that would ensure respect for rights and freedoms. Belady provides legal and psychological support for Egyptian women and children who have been arrested and / or imprisoned in political cases.



Executive Summary

Since the start of its incorporation within many societies, humanism has produced models of effective, democratic governments based on the separation of powers in order to prevent monopolization and protect rights and freedoms.

We pay tribute to the International Day of Democracy by asking "What democracy do we want?". To answer this question, this article addresses the significance of democracy as it's linked to equality in dignity and rights of all human beings, freedom of opinion, freedom of publication, freedom of expression, and equality of everyone before the law.

Considering that there is no democracy without rights and freedoms, this article sheds light on a set of fundamental rights and freedoms, and the extent to which they are applied and protected by the Egyptian regime. The main points addressed in this article are freedom of opinion and expression, freedom of the press, the right of assembly, political and civil activism, and the rights of minorities in Egypt's new republic.

In this article, Belady has relied primarily on its observations of human rights violations, highlighting previous cases that have occupied Egyptian and international public opinion.



Introduction

"The will of the people is the basis of the government's authority."

The Universal Declaration of Human Rights is prefaced with this sentence to emphasize that there is no democracy without the participation of the people, whether through political mechanisms or the enjoyment of their fundamental rights as a source of power.

There is no firm definition of the concept of democracy that can be agreed upon by all. This is due, among other things, to the fact that democracy is an evolving and ever-changing concept. However, there are principles that many agree on and are linked to democracy, such as equality in dignity and rights of all human beings, freedom of opinion, freedom of publication, freedom of expression, equality of everyone before the law, and the right to choose their representatives in free and impartial elections.

Therefore, the meaning of democracy cannot in any way be separated from civil and political rights. Its aim is to efficiently ensure rights and freedoms.

Civil and political rights can be defined as a category of rights that protect the freedoms of individuals from infringement, which ensures the individual's ability to participate in the civil and political life of society and the state without discrimination or persecution¹.



"Human rights, democracy and the rule of law are strengthened when States work to eliminate discrimination on account of ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status and when they strive to ensure equality between men and women in decision-making"².



This article highlights the current Egyptian authority's targeting of key civil and political freedoms, such as freedom of the press, expression, civil and political activity, as well as targeting of activists and minorities.

¹ [Front Line Defenders #Civil & Political Rights](#)

² [Human Rights Council Nineteenth session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development](#)

First, Freedom of Opinion and Expression

Freedom of expression is a fundamental human right as stipulated in Article 19 of the Universal Declaration of Human Rights.



"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"³.



Therefore, freedom of expression is a fundamental human right, and its empowerment is a multidimensional, socio-economic and political process that helps people control the course of their own lives. To make freedom of expression a concrete reality, there must be a regulatory and legal environment that allows for the emergence of an open, multi-opinion media sector. Is there the political will to support this sector, and will rule of law protect it in the new Republic?

³ [Universal Declaration of Human Rights, Article 19](#)

It should be noted that Article 47 of the Egyptian Constitution stipulates that "freedom of opinion is guaranteed. Every person is entitled to express and disseminate his or her opinion orally, in writing, graphically or through any other medium of expression, within the limits of the law, and self-criticism and constructive criticism are guaranteed for the safety of national development"⁴.

However, the Egyptian authorities have a different opinion. Here are some cases that have undermined freedom of expression in Egypt in recent years.

The Doctors Case: In 2020 and 2021, many countries in the Middle East and North Africa (MENA) region chose to ease prison conditions and release tens of thousands of prisoners as a result of the emerging Covid-19 pandemic. On the other hand, the Egyptian authorities have chosen intransigence and continued to hold prisoners in pretrial detention and arrest more citizens for reasons such as expression of opinion about the pandemic and how it has been managed.

For example, Dr. Alaa Shaaban Abdel Latif was arrested in her workplace at Al-Shatibi

⁴ [Egyptian Constitution, Article 47](#)

Hospital in Alexandria on March 28, 2020. She was charged with joining a banned group, misusing social media and spreading false news, only for reporting Covid infections at the hospital. Alaa remained in pretrial detention for six months before being released⁵.

Hani Bakr Ali Kahil, an ophthalmologist at Tukh Hospital in Qalyubia was arrested by authorities in his home on April 10th, 2020. He was forcibly disappeared for 18 days until he appeared before the prosecution for posting on a social media website, criticizing Egypt's medical aid to Italy and referring to its priority to Egyptian hospitals⁶.

The Tik Tok Girls Case: The "Tik Tok Girls Case" remains one of the most important cases noted in Egypt's crackdown on freedom of expression since 2013. Many women and girls were arrested under Law No.175 of 2018 on combating cybercrime, which allows prosecutors to impose unconstitutional and illegal perceptions of community and family values and use them to imprison citizens.

⁵ [Belady Center for Rights and Freedoms, the arrest of doctor Alaa Shabaan](#)

⁶ [The Egyptian Front for Human Rights, release the doctors: Egyptian authorities address Covid-19 Pandemic by arresting doctors instead of meeting their demands](#)

Between April 22nd and July 26th, 2021, 11 female content creators using the social media platform "Tik Tok" were arrested on ethical charges such as "assaulting Egyptian family values," "seducing young men," etc. The Cairo Economic Court then sentenced these women and girls to anywhere from one to ten years in prison, in addition to heavy fines⁷.

Second, Freedom of the Press

The guarantee of media freedom around the world is a priority. Independent, free and pluralistic media are essential to good governance in democracies. One of the most important objectives of free media is to ensure transparency, accountability and the rule of law and to promote participation in public and political discourse.

The independent media sector derives its authority from the society it serves. In return, it is entitled to be a full partner in the democratic process. Freedom of information and freedom of expression are the basic principles of open and informed debate.

Article 48 of the Egyptian constitution stipulates that "the freedom of the press,

⁷ [Belady's campaign to release the Tik Tok Girls, "The Tik Tok Girls" should be released!](#)

printing, publication and mass media is guaranteed. Censorship of the media shall be prohibited. No warning, suspension or cancellation shall be imposed on the press by administrative action. An exception can be made in case of a declaration of emergency or wartime by imposing a specific control on newspapers, publications and media for matters relating to public safety or national security purposes, all in accordance with the law”⁸.

Belady has documented the suspension of a total of 46 female journalists, aged between 20 and 42, from 2013 to 2020 in its report on World Press Freedom Day 2021⁹. The report stated that 26 of the 46 (56.5%) journalists and workers in the press were forcibly disappeared for periods ranging from one to 125 days without including the day of appearance. 40 (86.9%) of them were imprisoned on common malicious charges from the ready-to-use list such as "spreading false news" and "belonging to a terrorist group." 10 of them were subjected to physical abuse, such as severe beatings, slapping,

dragging, pulling and tearing hair, and bruises. As for the psychological violence, two journalists were threatened with assault and rape, insult, humiliation, degrading words, and sexual harassment.

These journalists have been subjected to these violations in order to put restrictions on their reporting and news gathering. This represents a flagrant violation of their freedom to work and an attempt by the regime to create a press that controls public opinion to its own interest.

According to the January 2021 census of Reporters Without Borders, more than 100 Egyptian journalists have been arbitrarily arrested and/or imprisoned from 2014 to 2017, specifically since the Egyptian authority adopted an arsenal of anti-terrorism laws that have been used to stifle press freedom. With 32 currently detained journalists, Egypt is the third largest prison for journalists in the world, after China and Saudi Arabia¹⁰.

Third, The Right to Peaceful Demonstration and Political and Civil Activity

⁸ [Egyptian Constitution, Article 48](#)

⁹ [Belady Organization, The Egyptian Press under Tyrannical Pressure](#)

¹⁰ [Reporters Without Borders, Egypt: Freedom of press in the gutter after 10 years from the revolution](#)

Article 20 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to freedom of peaceful assembly and association"¹¹.



"..Now, it is clear that governments must do more to listen to people demanding change, open new channels for dialogue and respect for freedom of peaceful assembly."
Secretary-General of the United Nations António Guterres Filmed statement on the International Day of Democracy 2020



It seems self-evident that every human being has the right to peaceful assembly and the right to hold online and in-person meetings, sit-ins, strikes, assemblies, activities and protests. These rights serve as an instrument to facilitate the exercise of many other rights guaranteed by international law. Together, they are the basis of political and civic participation.

¹¹ [The Universal Declaration of Human Rights, Article 20](#)



"The right to peaceful assembly plays a prominent role in mobilizing public opinion, allowing it to express the grievances it faces and its aspirations, facilitating the celebration of events and, most importantly, allowing influence on public policies."

Michelle Bachelet, UN High Commissioner for Human Rights June 2020, report on the impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests



Belady has observed a total of 22 female activists between 2013 and 2020 who were imprisoned for their participation in political parties and their activity in various civil society organizations and labor unions¹².

Amnesty International also launched a campaign in January 2021 to release the arbitrarily detained activists and human rights defenders in Egypt, calling on the Egyptian authorities to "put an end to prison overcrowding by releasing those arbitrarily

¹² [Belady Organization, The Egyptian Imprisoned Woman between the Hammer of Iniquitous Laws and the Anvil of Systematic Violations](#)

detained and those at higher risk of Covid-19”¹³.

Fourth, Minority Rights: LGBTQI+ Community as an Example

Minority Rights were stipulated in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992. Article 2.1 states that “Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination”¹⁴.

The Yogyakarta Principles, which were issued in March 2007, is a set of principles for the application of standards of international human rights law with regard to the rights of

gender and sexual minorities. The introduction of the 29 principles states that “All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation and gender identity are integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse”¹⁵.

However, the Egyptian state does not recognize gender and sexual minorities in any of its legislation and systematically discriminates against these minorities, especially activists. The state provides only one way to reassign gender through a judicial decision that is not only subject to the discretion of the judge or the application of the legal solution, but also to a complex, lengthy, and unwieldy procedure subject to the approval of many parties, including the judge, Al-Azhar, and a committee of the Doctors’ Union. This makes the procedure almost impossible, thus not providing a solution to the person in concern. Perhaps the most notable example is the incident of 26-year-old Ahmed

¹³ [Amnesty International. 10 years after The January 25th revolution in Egypt, and many activists and human rights defenders remain in arbitrary detention](#)

¹⁴ [The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992](#)

¹⁵ [Yogyakarta Principles, on the application of international human rights law in relation to sexual orientation and gender identity](#)

Fares, who died on August 28th, 2021, of complications from sex reassignment surgery in an unlicensed hospital. Ahmed's resort to an unauthorized hospital was an inevitable result of the Egyptian state and government's absolute rejection of sex reassignment surgery.



"To my siblings, I tried to survive and failed, forgive me;
To my friends, the experience was cruel and I'm too weak to resist it, forgive me;
To the world, you were awfully cruel, but I forgive."



These were the last words of activist Sarah Hijazi after taking her own life in 2020. The Egyptian authorities arrested Sarah in October 2017 after she raised the rainbow flag symbolizing the LGBTQI+ community at a concert in September of the same year. In the case known as the "Rainbow Flag," Egyptian prosecutors accused her of joining a banned group promoting "deviant ideology." Just for waving the flag in solidarity with gay rights, she was subjected to numerous violations

during her imprisonment, most notably sexual harassment and deliberate health negligence.

Conclusion

The authority in the new republic does not only neglect the recommendations of the international community and Non-Governmental Organizations to curb its crackdown on rights and freedoms in Egypt, but it also spares no effort to further enforce restrictions by enacting new repressive laws, arresting more citizens, imposing tight control and punishing anyone who thinks of crossing the line drawn by the authority. Finally, rights are also met with the obvious solution under the slogan "Say whatever you want and you will get years in prison depending on the bluntness of your tongue!!".

If the Egyptian authority really aspires to build a new republic as promoted by the regime's media, there is no better solution than easing crackdown on rights and freedoms by respecting international treaties on the one hand and working to develop and implement the Egyptian legal system on the other in order to restore value to the Egyptian legislative framework.