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The Conditions of Human Rights in Egypt During the last Ten Years

Between the Freedom of the Market and the deterioration of the Citizens' Conditions

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Introduction

This report is issue no. (34) from the economic and social rights series that the Land Center publishes, it is a study about the free market polocies effects on the political, economical, social and legal human rights in Egypt, especially the right of safe agrarian lands, proper work and home, health care and education.
This report aims to revealing the missing relation between violence and applying the free maket policies, this report has showed that low conditions of human rights in Egypt goes back to applying the deferent reform programs concerning democracy or development, as these programs has ignored the privacy, culture, history and social relations of our society between citizens and deferent social forces.
The report shows that considering the social, economic and cultural privacy is a basic condition for the success of the development program, and that participation and considering the citizens ambitions, abilities, capabilities and dreams without a doubt leads to rising with our community, improving the conditions of human rights and the success of the political and social reform programs.
This report is divided into four sections:

THE FIRST SECTION: is entitled "an evaluation of the political, economic, social and legal conditions in Egypt*", which contains nine chapters as the following:*

The first chapter: shows the development of the political conditions and the evaluation of the political multiplicity experiment, and the role of the deferent political forces, the professional and labor syndicates, the national associations and businessmen in applying the free market programs.
This chapter shows that despite the increase of parties number in Egypt till it reached 17 party at the end of 2002, but most of them doesn't have the party efficiency either by effective representation in the parliament or effecting on the making of the general policies or in the Egyptian street.
It also shows the effect of the issued law no. 100 for the year 1993 specialized for the professional syndicates, and what the law has led to of fundamental changes inside the professional syndicates and the relation of these syndicates with the states foundations.
This part confirms that despite of the expand of the labor syndicates base which brings together 4.5 million worker and divided into 2000 syndicate committees, but this number doesn't reach 25% of the total of the working force, that the Arable Working Organization estimated in 1998 with a number of 17 million 631 thousand worker in Egypt, and this chapter confirms that these conditions has effected negatively on the citizens participation and led to the increase of violence.

The second chapter: looks at the development of the economical conditions referring to the reforms of the financial sector, and programs of specializing the states' companies and institutions and the economic crisis indicators, as this chapter shows that the real growth

level of the Egyptian local total result could fall back from 5.9% in the financial year 1999/2000 to 3.4% in the financial year 2000/2001, and continued falling back to reach 3.2% in the financial year 2001/2002.
It shows that the ministry of abroad commerce data has estimated the unemployment rate in Egypt with 7.70% and 8.3% in the financial years 1999/2000 and 2000/2001.
The Ministry of Foreign Affairs data has confirmed that the change rate in the consumers prices has reached 2.4% in the financial year 2000/2001, and settled at the same rate in the year 2001/2002, at the same time the data of the international cash fund show that the change rate in the consumers prices in Egypt has reached 2.4% in 2001 and increased to 2.5% in 2002, and it is expected to increase to 3.4% in 2003, and this chapter confirms that such policies has led to the ruins of the economic conditions and more violence.
<u>The third chapter:</u> looks at the social conditions analyzing its' most important aspects like: poverty, unemployment, the family conditions, corruption and household violence considering them effective elements that increase violence and ruins the social conditions in Egypt during the last ten years.
This chapter confirms what came in the human development report that the rate of poverty spread is still high between citizens with a percentage of 38.3% as known in the wide definition of poverty and 24.2% as known in the narrow definition of poverty, and that 60% of the poor are in the rural areas and 40% are in the urban areas, which has increased the social tensions in the poorest areas.
This part also shows the increase of the corruption rates as (1221) defalcations and takeovers of the public money and bribe cases have been seized in 2001.
This part also shows that these social conditions have been a result of the free market policies that has led to the increase of violence in the Egyptian society.

<u>The fourth chapter:</u> shows the development of the legal legislation pointing to some constitutional inability especially concerning the continuous work with the emergency law or laws related directly to deferent political rights and exceptional laws, laws related to freedom of speech and expression, child laws, women rights, litigation procedures, the right of gathering and organizing and laws related to social and economic rights that have been issued in that period especially the agrarian lands and housing laws.
This part also shows how the free market policies have effected on issuing legislations that have violated the citizens rights in practicing their political, economic and social rights, and how it has violated their right in a safe and dignified life, which has led to the increase of violence during the past ten years.

<u>The fifth chapter:</u> looks at the right in safe agrarian lands, showing the ruins of the countryside and farmers conditions in Egypt and using violence and arbitrary practices to apply the agrarian rents law 96 to 92 and the negative effects resulting from applying the law on the farmers rights or the Egyptian agriculture level, pointing to the effects of the agrarian reform policies and the agrarian policies in Egypt on the citizens rights in food, and how this has led to the increase of violence in Egypt especially in the rural areas.

<u>The sixth chapter:</u> shows the right to work and confirms that the total of the workers in deferent activities in 1998 has reached 17 million 631 thousand person … and the number of active population (14 years old and more) has reached in 1996 23 million 971 thousand person .. which the number of the unemployed people is 6 million 640 thousand persons with a percentage of 26.4% of the available work force.
The report of the United Nations development program and the international work office in 1997 has estimated the number of the work force in Egypt with 17 million 726 thousand person and the number of workers with 15 million 808 thousand persons and the number of

the unemployed is one million 919 thousand persons which is 10.8% of the working force, the number of the unemployed is between 1.8 million persons in 1991/1992 and 1.7 million persons in 2001/2002 and 1.6 million persons in 1995/1996, which makes the percentage of unemployment in 1995 was 9.4% … and it's a number less than the last estimation of the international labor office referred to 10.8%, the report confirms that the result of the state not doing its' role in maintaining work and protecting from unemployment when the income growth rate decreases in Egypt as it has been recorded as the following:
1999: 4.1% , 2000: 3.9% , 2001: 3.1% , 0- -2% , 2003: 1.5 – 2.5%
This part also shows how these policies have led to the vagrancy of thousands of citizens and the increase of the labor protests which have reached 743 protests between 1998 and 2003.

<u>The seventh chapter:</u> looks at the right in education showing this right in the international charters and in the Egyptian reality, showing the bad education conditions in Egypt, showing the low capacity rates, the unequal opportunities and the lie of free education, as this part confirms that applying the structural conditioning policy and the state withdrawing from its' social role step by step, which has led to several problems on the citizens rights in education, spending on education is still low despite the help given by several sides especially the international bank, the educations' share between 1985 – 1987 was 4.5% and has reached between 1995 – 1997 4.8% recording in 1990 3.9% of the national result, which means that the increase in spending on education didn't pass the average of 3% in ten years, the percentage of spending between 1995 – 1997 was 14.9% of the governmental spending, which is a percentage that the spending size on education didn't reach in the budget between 2003 – 2004, despite what has been said about multiplying the spending on education during the last twenty years, but the fact confirms the ruins of the educational process in Egypt, which has led to the increase of violence and reproducing illiteracy, ignorance and poverty in the society.

<u>The eighth chapter:</u> shows the right in health care, pointing to the negative effects of applying the structural conditioning policies on the right in health care and the health reform programs, and also shows the ministry of health strategies, the governmental health system, the size of private sectors' contribution in guaranteeing the right of health, the health condition indicators in Egypt and the several violations on the right of health care, confirming that the general spending on health didn't pass 1.5% of the national result, and 4.5% of the states' general balance total during the last decade, the weak governmental spending along with the population increase have led to the ruins of the health services, in the governmental health units, as the decrease rates in the health service requirements in the early nineties as the following:

- **Lacking in the important requirements of medicine with 52.1% in urban areas and 82.3% in the rural areas.**
- **Lacking of tools with 51.6% in the urban areas and 70.3% in the rural areas.**
- **Lacking of specialists with 36.1% in the urban areas and 80.1% in the rural areas.**

All of this has led to the ruins of the citizens health and the increase of the disease rates like: renal failure, epidemic liver and the digestive system diseases especially to the poor, on another hand this has led to the increase of violence.

<u>The ninth chapter:</u> shows the right in housing, as it looks at the legal frame that is organizing the right of housing on the international level and in the Egyptian law, pointing to the citizens eviction by force, lacking of the services, the states' role in the new constructional societies and the youth housing projects.
This part confirms that the random areas population on the states' level between 11.56 and 12.6 million persons, which is between 37 and 46% of the urban areas population total,

Cairo's share of these areas and its' population is the biggest share, according to the construction planning form estimations in January 1994 the random areas populations has reached in Cairo six million people with a percentage of 46.5% of the regions' total population which is 12.9 million people.
The information center in Cairo has confirmed in 1995 the existence of 79 random areas in Cairo, 67 of them need developing and 12 areas need to be removed for security reasons, in 12 areas live (106.3 thousand people) who live in (6153) small houses made of wood, sticks and straw, distributed in 6 neighborhoods in Cairo.
Which has led to the ruin of this right and weakened the chances of having a suitable home for most of the poor, and increased the random areas that have almost no services, and the increase of social violence between its' residents.

<u>THE SECOND SECTION:</u> is entitled "the official violence in Egypt" which contains eight chapters:
<u>The first chapter:</u> looks at the torture phenomenon in Egypt, as it has monitored (1124) torture cases in the period between 1981 and 1999 except for the cases concerning the torture of farmers which are more than five hundred cases during the reports' period. This chapter also refers to that torture crimes didn't stop till 2003, but the numbers of torture cases increased during the second half of the nineties.
It also refers to the increase of the unknown places used for torture, 1995 had the biggest percentage of torture cases with 16.98% which is (32) torture cases, it also confirms that Cairo has the lead record of torture victims with (302) cases with 26.86% of the cases total. This chapter shows the continuous torture policies that led to reproducing violence in the society especially in the poor areas.

<u>The second chapter:</u> looks at the states' bad treatment, saying that the bad treatment cases that doesn't reach the torture level are far more than the torture cases, and the types of bad treatment that prisoners and detainees face like:
(Humiliation, bad health care, prevention from education, deprivation of visitors and communication with the outside world.
It also shows the death of 14 detainees because of bad health care in four prisons, and they are:
El Fayoum general prison (4 death cases), Leman Tarra prison (4 death cases), Damanhour prison (3 death cases), Leman Abo Za'bal (one death case).
It also refers to the existence of (8 death cases) because of bad health care in 1999 in:
El Wady El Gedeed prison (4 death case), Shedeed El Herasa prison in Torra (one death case), Damanhour prison (2 death cases), Leman Torra hospital (one death case)
The report confirms that bad treatment of the citizens either in detention or in any other place by the states' employees so that the torture phenomenon can eliminate.

<u>The third chapter:</u> looks at the increase of killings and executions during this period, showing the violent oppositions between the security institutions and and the armed Islamic groups, that has led in 1998 to the death of (17 people) of the Islamic groups.
Also shows the death cases because of torture in police stations and prisons which has reached (37 death cases) in the years 1999/200, (22) of them died because of torture, (6daeth cases) inside El Wady El Gedeed and Damnhour prisons, as a result of bad health care.
It also shows that the security institutions exceed using the fire power to break peaceful gatherings and armed Islamic groups gatherings, it also confirms that the violence phenomenon that some of the states' institutions practice most be stopped to stop the social violence reproduction in Egypt.

The fourth chapter: looks at the continuous detention phenomenon, shows that detention is one of the most methods leading to the increase of violence that the execution authority uses against some political opposition forces especially the Islamic ones.
This chapter shows what the Egyptian government does by using the detention punishment illegally in the last ten years, as the number of detainees estimated by some committees has reached 20 thousand detainees, along with the expansion in building new detentions and prisons.
As the government has built 21 new prisons which have cost two billion dollars, which made the number of prisons in Egypt increase to 43 prisons. It also confirms the necessity to release all of the detainees to protect their rights in a safe life guaranteed by the law and the constitution, and to contribute in stopping violence in the society.

The fifth chapter: refers to violence and coercion disappearance, and confirms that the Egyptian legislation didn't have candid legal subjects that takes care of the coercion disappearance phenomenon, in addition to the weak punishments put on who ever does this crime, and the common citizen doesn't have the right to make a direct lawsuit against the employee who did this crime, which means the inability of the Egyptian legislation around this phenomenon.
It also shows that such phenomenons go back to some of the governmental institutions practices which lead to more violence.

The sixth chapter: the official violence against children, as it shows the increase of the rate of children facing delinquency from (4332) cases in 1995 to (6536) cases in 1996, the statistics confirm that street children have faced in 2001 3069 deferent crimes, as 129 juveniles were killed (88 males and 45 females), 400 children were raped (275 males and 125 females), 1230 street girls were raped, 28 children were tortured (21 males and 7 females) and 40 children were kidnapped to be used in criminal activities.
As the report confirms that juvenile crimes in 2003 have reached 144 drug trading cases nine of them were females, 137 taking drugs cases six of them were females and many more.
The working children accidents have increased in the agrarian sector, and alternative policies must be made to protect children rights and stop violence against them.

The seventh chapter: refers to foundational violence against women, showing that violence against women can not be parted from the violence wave that is prevailing the society in general, and that violence against women either sexually, mentally or physically goes back to the woman's decreasing position in the society and the ruling thoughts about her, and that violence against women is related to the governmental policies, which lead to social abuse and discrimination, it also shows that the most groups that face this violence and discrimination are the working women especially in the agrarian sector.
The report confirms the necessity of using fair policies that protect the rights of these women and stop violence against them.

The eighth chapter: shows official violence against various social groups, like: violence against workers, farmers or drivers, group punishments for citizens in the rural and random areas,.
It also shows how that official violence and the free market policies have led to the violation of the rights of most of the citizens in Egypt, but the poor especially who live in the random and rural areas take the biggest burden by applying these programs and policies.

THE THIRD SECTION: is entitled "unofficial Violence in Egypt" the social violence in four chapters:

The first chapter: shows revenge, murder, hard beating leading to death and suicide, violence and conflicts between farmers about land possession, inheritance, land borders and irrigation water, which has led to the injury of more than two thousand farmers and the death of more than one hundred farmers in this period.
It also shows that the murder crime make 70% of the felonies total and 25% of the crimes total, then comes the hard beating leading to death crime which make 18% of the crimes total. It also refers to that in 1998 (5000) bullying accident have been made, the random areas have witnessed at least 70% of them.
It also shows the existence of (282) suicide cases in one year in 14 rural districts, it also shows that social violence is reproducing the official violence, as a result of applying programs and policies that doesn't consider the privacy and identity of our society, it also confirms the necessity of changing the programs and policies to stop the citizens sufferings and the ruins of human rights in Egypt, and to eliminate the violence phenomenon.

The second chapter: looks at violence in gatherings, like: violence in demonstrations and elections, as it shows that the government has dealt violently with the peaceful protestation movements of some of the poorest social groups, by preventing peaceful strikes, demonstrations and resorting, and criminalizing all forms and methods of peaceful protests, it even made laws that deprive workers, farmers and all of the poor groups from rights they have gained over the past years, like what happened in the agrarian renting law no. 96 for the year 1992 which have begun applying in 1997, then the working law no. 12 for the year 2003 which puts limitations on strikes, and criminalizing this right in a lot of constructions which the law calls them vital constructions.
It also shows the violence size and causations that some governmental foundations have practiced during the last legislative elections, and how they have used bullying by with the help of some policemen to help some of the governments' nominees which has led to more violence.

The third chapter: refers to social violence against children, showing violence against children at work either in agriculture, industry or in the streets, it also refers to household and school violence against children, referring to the public security institutions statistics between 1995 and 1999, which have confirmed that almost 89% of those who committed child murder crimes were from young agrarian workers, craftsmen and the unemployed, all of them have done beating and permanent disabilities crimes against children in 1995, and in raping crimes 85% of those who have done them were from the low groups of the society.
It also shows the effects of these policies on children who make 45% of Egypt's population, which have led to that 52% of them had anemia, 12% don't go to schools, 16% are born less weighted because of the alimentation lacking and 30% are infected with liver diseases because of the pesticide spraying.
It also shows that violence against children is a phenomenon related to the economic and social conditions of the society, therefore they must be changed to protect children rights.

The fourth chapter: refers to social violence against women, showing the definition of violence against women, its' forms and types, considering the unofficial violence against women, either in the household because of inheritance, revenge, circumcision, honor crimes or wives beating, the social upbringing of the childor early marriage.
It also refers to violence against women at work, especially in the agrarian sector.
It also shows that the most spread of violence types come from the husband with (71.9%) then the father with (42.6%) then the brother with (37%), it also refers to that the highest household violence rates are practiced in Cairo with 26%, then comes Giza with 25.5%,

then El Qalubeya with 8.5%, which means that 60% of the household violence Cairo as a whole, which means that household violence rates in the urban areas are more than the rural areas.
It also shows that stopping violence against women is related to changing the society's policies , considering the privacy of our society, its' economic development and its' social and cultural history.

<u>THE FOURTH SECTION:</u> is entitled: "the study's results and recommendations" with two chapters:

<u>The first chapter:</u> the results of this study refers to the ruins of of the citizens rights in safe land possession, suitable working chances, health care, education and suitable housing. It also refers to the role that the state plays through continuous practices that lead to the spread of violence in the society especially for the poor, the phenomenon of torture in police station and other detention areas, abuse and bad treatment of the citizens still exists in side the governmental institutions and in the streets from the states employees.
The military trials that some times violate the right in life still exist, and there are still several thousands of innocent people inside the Egyptian detentions saying that they are in collusion with some violence groups, and the phenomenon of coercion disappearance continues, and aggressive practices against women and children by some of the official institutions didn't stop.
The results refer to that such practices and effects reach most of the citizens in Egypt, but the poor take the biggest burdens of these practices, that lead to increasing poverty and violence between them, and these practices also reach other social groups like women and children, especially the working ones.
The results confirm that such practices and conditions have led to the spread of social violence, which have reproduced murder between relatives and in the street, and social violence became a daily practice in the random areas of Egypt.
And brought back old habits like revenge and other conflicts, because of the agrarian lands and inheritance.
They have also led to restricting gatherings and some workers, farmers or students protests.
They have also led to the people not participating in the political life, after the forgery of the legislative elections and because of the violence practiced by some of the governmental institutions during the elections, and the appearance of phenomenons like the drug lords and others, and there is no democracy in some of the governments' institutions, which has led to the depression of the citizens and loosing trust in the government.

<u>The second chapter:</u> shows the reports' recommendations, which aim to stop the ruins of the human rights conditions in Egypt, and the contribution in eliminating the the phenomenons of the official and social violence.
The center thinks that the reports' recommendations are not the last thing to say, the center sees that contribution in stopping the ruins of the human rights conditions, two main cases must be considered:
Supporting the citizens participation case in managing their own life affairs, and supporting their self capabilities to improve their life conditions.
Because we think that to get out of this crisis is participation, development, democracy and improving the life conditions, as a bird can not fly with one wing.
And it is must be considered when applying such programs that the most important conditions to its' success is considering the social, cultural and historical privacy of our Egyptian society.

The report also sees the democracy issue and improving the living chances and life, can not be achieved without creating active frames for change, through a continuous building process that stand on an efficient conversation and accepting the variation and using power, freedom of speech and eliminating the laws that hinder freedoms and eliminating the work with the emergency law and guaranteeing the right to gathering, organizing, demonstrations, protests, forming bonds and associations, guaranteeing the citizens rights in suitable working chances, safe land possession, suitable housing, health care and education, healthy food, clean water and all the other services that guarantee for Egyptians their right in a decent and proper life.

Finally the center knows that applying such recommendations in these international, regional and national conditions, limit the spread of the official and social violence, and at the same time we know the applying them is not an easy job, but we think that faith n the citizens rights to live in humane conditions that guarantee their humanity, will commit us all to do our commitments and responsibilities toward rising with our society especially in these conditions.

Applying these recommendations need cooperative works between all the Egyptian society institutions like parties, professional and working syndicates, organizations, foundations, national associations and all the deferent political and democracy forces, to execute these policies and other alternatives that the joint work provides, which aim to stopping the ruins an lowing the peoples' conditions and improve the human rights conditions, rising with our society and achieving luxury and prosperity to the citizens, and improving the citizens participation in the development processes toward a better world and a more shining tomorrow free of social, political ans economic violence and crisis, a free and fair world where every one can live in dignity and safety.

At the end the center thanks all of those who have prepared the report of foundations and researchers and some rural activists, and apologise for any editorial mistakes in the report, in hope that we don't make the same mistakes in the future through your notifications and comments on the report.

The First Chapter: The Political Scene

First: Evaluating the experience of political pluralism:

The one party rule prevailed in the Egyptian political system since the outbreak of the 1952 Revolution. It reigned high from the Liberation Board to the Socialist Union. Plurality did not emerge on the political arena until 1977 when the late president of Egypt, Anwar El-Saddat ensured the freedom of establishing various parties. Such a step was supposed to be the true onset of a sound democratic environment where the various political parties can express themselves and their right to peaceful access to authority and to other forms of political liberalism. However, 25 years after the experience was launched, it seems that there is a great difference between theory and practice.

In March 1976, president Saddat allowed the establishment of three channels within the Socialist Union through which each political current can express its inclinations. The right wing was represented by the group of “Liberal Socialists”, the center was represented by the “Egypt Arab Socialist” group and the left wing was represented by the “United Progressive National group”. These three groups competed in the elections of the People’s Assembly in 1976. In the first meeting of the PA held on November 22, 1976, Saddat declared the transformation of the said three political groups to parties. Afterwards, the Law on Political Parties was issued in June 1977.

As the law on Political Parties was passed, the Egyptian political system was transformed, from the legal point of view, to party plurality. However, it is

noticeable that the declaration of establishment of political parties as per the said law did not mean the abolishment of the Socialist Union. It did, however, authorized the union to approve of the establishment of political parties. As per Article No. 7 of the law on Political Parties, prior to its amendment in 1981, the application of establishing a new party was to be submitted to the secretary of the Central Committee of the Socialist Union. The issue is to be submitted to the committee referred to in Article No. 8 of the said law within 15 days of the submission of the application.

Such Article was amended as per the decree law No. 30 of 1981 rendering the Committee of Parties' Affaires headed by the Speaker of the Shura *consultative* Council. The committee comprises three minister namely, the ministers of Justice, Interior and the State minister for the Affairs on the People's Assembly and the Shura council in addition to three former heads of judicial bodies or their deputies to be elected by the head of the Committee. The said law stipulated that the decisions of such committee may be challenged before the Supreme Constitutional Court headed by the chairman of the State Council. An equal number of public figures selected by the Minister of Justice might be added to the said court.

The said law stipulated that in order for any party to be established, its policies should not contradict the principle of legitimacy. It should maintain the national unity, public peace and social democratic system and social gains. The party should not imply any kind of class, profession, sect, geographical distinction or discrimination on grounds of sex, origin, religion or creed. An addition was made to these rules after the signing of the peace agreement with Israel rejecting the fact the founders of a party include a member who contradicts the said agreement. However, such addition was abolished by a ruling by the Supreme Constitutional Court deeming it unconstitutional as the stance towards the peace agreement comes under freedom of opinion – guaranteed by the Constitution. [1]

By the end of the 1970s, five parties were founded namely: Egypt Arab Social party (the current National Democratic party), United Progressive National Tagammu party, the Socialist Liberals party, the New Wafd party and the Socialist Labor party. Over the next two decades, numerous application for the establishment of new parties were submitted, the majority of which were rejected by the Committee of the Parties' Affairs. Accordingly, some of the applicants resorted to courts.

Map of Egyptian Parties[2]

[1] The Development of Egyptian Political System (1803 – 1997), Dr. Ali Eddin Helal, Center for Political Studies and Research, Cairo, 1997.

[2] The Arab Strategic Report, the Center for Political and Strategic Studies, Al Ahram Organization, Cairo, 2002

No.	Party	Date of Establishment	Manner of Establishment	Party Status
1.	The United Progressive National party	1976	Committee of Parties' Affairs	Present and working
2.	The Liberals party	1976	Committee of Parties' Affairs	Blocked
3.	The National Democratic Party	1978	Committee of Parties' Affairs	Present and working
4.	The Labor party	1978	Committee of Parties' Affairs	Blocked
5.	El-Wafd party	1978	Committee of Parties' Affairs	Present and working
6.	Al-Omma party	1983	Judicial ruling	Present and working
7.	Misr El-Fatah party	1990	Judicial ruling	Blocked
8.			Judicial ruling	Present and working
9.	Democratic Union party	1990	Judicial ruling	Present and working
10.	Egypt Arab Social party	1992	Judicial ruling	Blocked
11.	People's Democratic party	1992	Judicial ruling	Blocked
12.	Arab Democratic Nasserite party	1992	Judicial ruling	Present and working
13.	Social Justice party	1993	Judicial ruling	Blocked
14.	Social Interdependence party	1995	Judicial ruling	Present and working
15.	National Agreement party	2000	Committee of Parties' Affairs	Blocked
16.	Egypt 2000 party	2001	Judicial ruling	Present and working
17.	The New Generation party	2002	Judicial ruling	Present and working

Despite the fact that the number of political parties in Egypt has gradually increased until it reached 17 parties until 2002, the majority of such parties do not enjoy any party authority either through representation in the Parliament or influencing the public policy making. The concept of authority circulation on the level of the parties and the ruling system is almost absent from the agenda of the Egyptian parties.

Since the multi- party system was launched in the 1970s, it is impeded by several fetters on top of which are the legislative ones. Law No. 40 of 1977 on the regulation of political life imposes numerous restrictions on the foundation of parties and on practicing their activities. The said law gave the Committee of Parties' Affairs a free hand in approving of the establishment of a party, blocking party activities and newspapers and rejecting party decisions under the pretext of public interest. In this context, it is noteworthy that six applications of 61 that were submitted to the Committee of Parties' Affairs were approved, as illustrated in the abovementioned table.

This was negatively reflected on the performance of parties and their political and social roles. Such parties, according to their programs which are inevitably different from that of the ruling party, were supposed to encompass people in order to pressure the government to meet the needs of those people. Eventually, such entities deviated from their original role to more or less governmental institutions that issue newspapers. Moreover, they have lost their proponents from the society.

Law No. 73 of 1956 on the regulation of political rights added to the restrictions on such parties as it ensured full hegemony for the executive authority over all the stages of the election process even the preparation of the lists of the names of candidates. Accordingly, the parliamentary elections witnessed excessive incidents of forgery. Election challenges submitted to the Court of Cassation amounted to about 915 one in 1995 elections. This recurred in 2000 elections despite the judicial monitoring and the ruling by the Supreme constitutional court deeming the previous procedures null and void.

The evaluation of the party performance is to be based on some criteria derived from the rules, values and objectives of democracy. As far as the performance of Egyptian parties is concerned, there are some points to highlight:

1- The poor social support for parties whether due to the law rates of membership or the nature of the discourse of the program of parties and groups they include. The parties are no longer primarily concerned with the people as with issuing newspapers.
2- Since the beginning of the last century, parties have deteriorated as far as their role as institutions promoting political and social experience is concerned. Their role have become significantly marginal as illustrated by boycotting the elections held in 1987 and 1990, poor participation in the elections held in 1995 and 2000 where the independent candidates outweighed the candidates of other political parties as their number reached in the former elections around 2950 candidates of 23980 ones and in the latter elections, it amounted to 3000 of 3957 candidates. In the legislative elections of 2000, and for the first time in the history of the multi party system in Egypt, the independent candidates gained places in the parliament more than those wined by the candidates of the National Democratic Party the former gained 232 while the latter wined 172 places

in the parliament.[3]After joining the Parliament, the independent candidates smoothly became members of the NDP.

3- Political ideologies and concepts came mostly from outside the parties except for the Tagammu party which displayed clear political ideas, regardless of the reactions towards them, particularly from the candidates of the Banned Muslim Brotherhood and the independent Nasserite. The citizens did not feel the presence of the parties not only in the electoral campaign, but also as being a political entity that are capable of selecting their candidates and formulating modern political programs.

   The major contradiction which the Egyptian parties are witnessing is the conflict between their discourses and internal and external practices. They call for democracy and political reform while they do not apply such principles neither internally nor with other organizations. The majority of large political parties in Egypt are governed by old leaders and some other parties are governed by families that pass party leadership over generations. There is no real circulation of authority inside such parties leading to many dissentions over party leadership.

4- The internal inconsistency of parties led to the blocking of some in addition to getting involved in a vicious circle of conflicts and mutual accusations of betrayal. It started with the Nasserite party and the Wafd and ended violently in the Labor party, blocked since 2000. The only exception in this respect seems to be the Tagammu party as it did not witness any internal dissentions since its establishment in 1976 until now.

   Such differences and dissentions within a large number of Egyptian parties led the Committee of Parties' Affairs to block the following parties: Misr Al Fatah party, Social Justice party, Democratic People's party, the Liberals party, the Labor party, the Egypt Arab Social party, and the National Agreement party.

5- The opposition parties are not in conflict with the government over authority as competing for authority is not on the agenda of the parties. All what they aspire for is to pressure the government in order to affect some reforms and transformation to democracy. In other words, the opposition parties are directed by the government, even the radical ones. This is best manifested in the apathy of political parties to form real bases of proponents in society with clear programs of change. Moreover, their stance towards the minor public movements is not clear. Such movements protest spontaneously against the authority such as: the movement against Zionism, the movement against War and others.

[3] The Center for Political and Strategic Studies, the Arab Strategic Report, Al Ahram Organization, Cairo, 2002.

In a nutshell, the experience of party plurality over the past 25 years was almost artificial and rootless. Many factors have contributed to such situation, some are general manifested by the atmosphere in which such an experience was launched and some are internal relating to these parties and their inability to provide an alternative in the form of a coherent program for development in Egypt to overcome its crisis which was aggravated over the past years.

This was reflected, particularly with the failure of the ruling party to provide solutions for the crisis, in a state of political vacancy that penetrated the Egyptian street. It is manifested in the lack of confidence in the electoral process and in the parties and state institutions to improve the conditions. Accordingly, there prevailed a lack of interest in public life in general and political life in particular.

Under the economic and political crisis, such vacancy provides an environment suitable for the diffusion of extremist ideas that promote violence as a solution to the crisis. This was manifested in the phenomenon of political Islam over the 1990s and what it begot of violence and counter-violence among such groups and the government resulting in enormous losses of life and property. Moreover, the absence of political institutions capable of channeling the energies and aspirations of youth result in a state of alienation from the society and beget various patterns of aggressive and violent behavior whether towards others or to the self as manifested in the cases of suicide which increased recently.

Second: The Political Role of Businessmen

The term “businessman” is one of the most vague and confusing terms in Egypt. There is no agreement available about the definition of a businessman or the criteria according to which this is identified.

In this respect, some define the businessmen as “the ones who run their own businesses with efficiency and financial capability and whose contributions add to the national economy”. However, the definition most recurrent in the studies on

businessmen is that the term businessman might be extended to include he who runs a commercial or industrial activity based on his own capital. Other times the definition is restricted only to the high segment of the owners of the said activities. Hence, the concept creates a link between the private capital and the practice of any commercial or industrial activity on the one hand, and the possibility of affecting decision making in society as based on the economic and political influence.[4]

The term businessman was not widely used in Egypt before the 1970s. Before the 1952 Revolution, there prevailed terms like: men of industry, property owners… etc. It was first used by the class produced by the age of economic open-door policy since the mid-1970s. The term began to get well established over the 1990s with the onset of the rapid paces of the programs of structural re-adaptation and economic reform.

Over the 1990s, there were numerous mechanisms of the participation of businessmen in the political life and decision-making, in search for additional influence that would ensure their economic interests. This was fulfilled either through direct participation in some of the decision-making places e.g. the parliament to ensure the promulgation of new legislations that would guarantee the interests of the newly emerging social class, or blocking laws and decisions that would endanger such interests, or delaying decisions contradicting those interests. Besides, this was achieved through being close to decision-makers through joining the ruling party or through formulating public opinion through the various mass media or through intellectual fora reflecting their stances towards the issues of internal and external policy.[5]

Legislative councils may be the highest decision-making entities where businessmen regularly appear as being members of such entities. There is a large number of businessmen in the People's Assembly and the Shura Council whether elected or appointed members. Some of such businessmen head some important committees in both councils, allowing them to participate in the discussions of public policies and the draft resolutions to be referred to the PA, or the constitutional ones, which are few, to be referred to the Shura council. Thus, through these entities, they can express their viewpoints and convincing other council members and in this case, they are exercising a constitutional right like any other members of the two councils. However, they are distinguished from the rest of the members by their influence and financial resources rendering their views important.

[4] Dr. Soad Abdel Rehim, the Social Role of Businessmen in the Egyptian Society, the Fifth Annual Conference (Social Change in the Egyptian Society over 50 years), the Center for Social and Criminal Studies, Cairo, 2003.

[5] Haitham Sabri, Businessmen and Politics in Egypt, Ahwal Masrya, the Center of Political and Strategic Studies, issue # 21, 2003.

The PA elections held in 1990, 1995 and 2000 witnessed a strong presence of businessmen and the victory of large numbers of them. In the 1990 elections, a renowned businessman, Ibrahim Kamel Abul Enin, a key member of the NDP in the governorate of Monofya, wined the elections. He is a member of the committee of economic affairs in the PA. Others like: Abdel Rahman Baraka and Rifa't Beshir, key former officials in the ministry of Economy and owners of private businesses, won in the said elections. [6]

The presence of businessmen in the People's Assembly continued to increase, particularly with the transformation to the system of individual nomination since 1990, most of them are candidates of the NDP and Al Wafd party. In the 1995 elections, businessmen amounted to approximately 16% of the total of the MPAs and of the total of 100 candidates who run the said elections.[7]

The latest elections held in October and November 2000 witnessed an obvious inclination of the businessmen to run the elections. Since there is no definite definition of a businessman, sources varied as to the number of the winners. It is approximately estimated at 120 members. 30 of the key businessmen were members of the PA e.g. Mohammed Abul Enin, Ahmed Ezz, Tala't Moustafa, Fawzy El-Sayed, and Mansour Amer (NDP members), Mounir Fakhry Abdel Nour (El Wafd) and Rami Lakah and Mohammed Farid Hasanin (independents). [8]

The number of businessmen MPAs is a huge number indicating the benefits that businessmen gain through running elections, on top of which benefits is the provision of services and money in addition to being members of the ruling party. This entails the aid of the state agencies, particularly the police, to the candidate. Accordingly, in some constituencies the police closed the polling stations in favor of the candidate of the NDP. For instance, in the Amar village of the constituency of Al Kanater Al Khayria, a force of the police of Tokh police station closed the polling stations and preventing citizens from casting their votes. When the citizens protested, they were fired leaving three dead. The NDP candidate was Mansour Abdel Mageed, a businessman against Omar Amer an independent candidate from the said village.

The second level of the presence of businessmen in decision-making places is being members and leaders in political parties, particularly the parties whose programs enhance the public sector and the shrinking of the role of the public sector. The most significant of such parties are the National Democratic Party and the New Wafd party. It is noteworthy that businessmen membership in the NDP is increasing on the grounds of their capacities and financial and commercial activities and on the basis of former effective activities in

[6] Haitham Sabri, ibid, p. 134
[7] The Report on Comprehensive Development in Egypt 1999/2000, the Center of Studies and Research on the Developing Countries, Cairo, 2001
[8] The Report on Comprehensive Development in Egypt 1999/2000, ibid

businessmen associations. They are promoted to higher ranks on grounds of this capacity. Despite the fact that a number of businessmen are members of the economic committee, the formation of the NDP's secretariat, which was published in newspapers on February 4, 2000, included at least two of the major businessmen. In the general conference of the NDP, the secretariat encompassed three of the key businessmen.

Businessmen do not have the tendency to have close relations with the opposition parties. Some businessmen are members of Al Wafd party; however, they rarely appear in other opposition parties.

In addition to membership of the state agencies and the political parties, businessmen are allowed to participate in discussing the most critical issues of the economic policy in meetings headed by the president of the republic. Such meetings include the prime minister, the ministers appropriate, officials in the state agencies, businessmen, experts and some academicians. For instance, there was a meeting between the president and businessmen in March 1998, and another two similar meetings were held in 1999. [9]

By comparing the attention paid by the state to the businessmen to its stance towards the issues and needs of laborers, there would become clear the bias to the interests of the businessmen.

The report on Comprehensive Development in Egypt 1999/2000 identified a scientific measure to explain such bias namely, the response measure.[10]Such measure compares the response of the government to the businessmen to the former's response to the needs of laborers as expressed by the head of the Trade Unions in Egypt in his welcoming speech to the president in the celebrations of the Laborer's day on May 1st. The businessmen identify their needs in the annual report of the Association of Egyptian Businessmen. The findings of the report were as follows:

1- The response of the government to the needs of businessmen – with regard to the syndicate movement – was higher. The demands of businessmen coincided with the public policies in many issues.
2- There is a joint vision between the government and the businessmen. Accordingly, each party would express the needs that would reflect such joint vision.

It is obvious that the businessmen enjoy the lab of luxury of the government and are allowed opportunities to meet with the top officials to express their needs and to practice pressures to get such needs fulfilled. However, syndicate movements do not enjoy the same opportunities, and when the chance is available on the

[9] Haitham Sabri, Businessmen and Politics in Egypt, Ahwal Masrya, the Center for Political and Strategic Studies, issue # 21, 2003

[10] The Report on Comprehensive Development in Egypt 1999/2000, the Center of Studies and Research on the Developing Countries, Cairo, 2001

celebrations of the Laborer's Day, for instance, the head of the general Trade Union declares nothing but the support of the syndicates to the state leaders!

To conclude, it is obvious from the above mentioned that capital dominates the political process in Egypt. It gets highly manifested in the electoral campaigns the costs of which have recently soared to millions of Egyptian pounds - such is only an example. The image would be much clearer with the addition of the cases of financial and political corruption and the growing influence of the capitalists. Such influence is reflected in the violation of the rights of the poor who lack fortune and consequently political influence.

Third: The State and the NGOs

The Non Governmental Organizations are the most important and widespread civil society institutions as they have significantly developed over the last three decades of the 20th century. Such development reflects the political changes that the Egyptian political system has undergone, towards political plurality and the proportional space for freedom that was provided on the one hand, and economic transformation towards establishing market powers on the other hand. The latter played a key role in that development and imposed on the state, particularly in the 1980s, a new positive political discourse highlighting the role of what is known as the third sector in addition to the public and private sectors and welcoming the completion of the performance of the public policies particularly, health, education and local development. This synchronized with emergence of the problems of economic transformation and the declining role of the state in providing subsidies and services to the poor.

In addition to the above mentioned political and economic aspects, there are highly significant factors that were represented in the inclinations and policies of the international organizations and funding organizations. Such organizations highlighted the role of the NGOs in handling the defects of privatization and its impacts on the marginalized segment, on the one hand, and advocating democracy on the other hand. Consequently, there started an unprecedented influx of grants and foreign aids over the last two decades to fund the activities of NGOs according to a hierarchy of priorities on top of which was the issues of women, human rights and local development.

In this regard, the number of NGOs started to increase despite the fact that no legislative amendments were made and Law No. 32 of 1964 continued to prevail. The number of NGOs increased from 7,593 in 1976 to 13,239 in 1993 until it reached 16,000 associations by the beginning of the 21st century.[11]

As for the field of the activities of such associations, it is notable that NGOs respond effectively to many of the economic and social issues that related particularly to the 1990s such as: poverty, unemployment, provision of job opportunities and slums. Then there was a tendency to focus on the issues of women, particularly after the World Conference on Women held in 1995.

On the other hand, it is noticeable that a large number of theses associations have continued their historical origin as charity associations. Such type of NGOs was the first generation focusing on charitable activities, approximately 23% of these associations work according to the "charity" concept. Another aspect of

[11] Dr. Amani Kandil, Civil Society, Democracy magazine, issue # 9, 2003

continuity seems can be attributed to the presence of a public segment that has a religious aspect about it. In a Christian study conducted by Dr. Amani Kandil in 1995 about the civil society, she points out that 32% of the NGOs work from a religious perspective[12] – illustrating the reason behind the increase in the number of associations active in the charitable work. Some of these Muslim - Christian organizations are concerned with the field of development.

Another point to be highlighted in the development of NGOs is manifested in the civil voluntary initiatives over the last two decades. Such initiatives added to the agenda of the government and the public opinions issues that were not tabled before on top of which are the Human Rights organizations. In 2002, the number of human rights organizations amounted to 32 organizations after it was only one organization in 1983. the activities of these organizations is distinguished from that of other NGOs as they are mostly concerned with the protection of political, civil, economic and cultural rights against the violations of the state – which have significantly increased recently. This renders these organizations in constant confrontations with the state agencies, starting from the state's stance towards the establishment of theses organizations, as most of them were rejected and resorted to the judiciary to gain legitimacy. There are numerous examples for such incidents e.g. the Egyptian Organization for Human Rights, the Land Center for Human Rights, the Legal Assistance Association, and many others.

In this context, it is imperative to discuss the legal aspect of the battle namely, the Law on Non Governmental Organizations. The parties of this battle are the government on the one hand, and the NGOs on the other hand. Since the mid 1980s, the latter have proposed the need to change Law No. 32 of 1964 which imposes prior restrictions on NGOs as it fully authorizes the government to approve the registration and declaration of associations, and precedent restrictions manifested in the absolute rights granted to the administrative agencies to interfere in the decisions of such associations and even abolish them and the government's right to dissolve the association without judicial rulings.

The pressures posed by the civil associations resulted in the promulgation of law No. 153 of 1999 on civil societies which was quite controversial. The said law was criticized by the human rights organizations due to the excessive restrictions it imposes on the activities of the NGOs and the flagrant interference of the government in the internal affairs of such associations. However, the said law was short lived, it was enforced for 6 months only as the Supreme Constitutional court deemed it unconstitutional as it was not referred to the Shura council – being one of the law complementary to the Constitution.

The day next to the passing of the said court ruling, the Ministry of Social Affairs (MOSA) declared that Law No. 32 of 1964 that was supposed to be repealed by the Law of 1999 will continue to be enforced. However, the associations that

[12] ibid

were registered as per the old law will keep their legal entity, resulting in a state of confusion as to the law regulating its activities.

The legal battle between the government and the NGOs continued until the passing of Law No. 84 of 2002 and the executive regulations thereof. The said law did not amend any of the defects of Law No. 153; it rather aggravated the restrictions and interference of the government in the affairs of such associations. On top of the restrictions imposed by Law No. 84 is the provision of Article 39 authorizing the administrative agencies to dissolve NGOs by virtue of an administrative decision.

The new law on NGOs is, undoubtedly, but a form of the tightening grip of the administrative agencies over the activities and administration of the civil associations. This comes within the framework of the general trend of the state to practice hegemony over the bulk of activities in society – in violation of the provisions of the Egyptian Constitution and the international instruments ensuring the protection of the freedom and activities of NGOs.

It is relevant while discussing the Egyptian NGOs to refer to the businessmen associations which started to emerge since 1975 e.g. the Egyptian American Council. This came in the framework in the framework of the then economic transformations namely, the open-door policy. Afterwards, the Association of Egyptian Businessmen was established in 1978, the Economic Committee for Businessmen in Alexandria in 1980, the Chamber of American Commerce in 1983, then the businessmen associations for the new industrial cities, then some businessmen associations in some governorates …[13]

It is noteworthy that such associations played a major role over the last two decades as groups of interests with different legal entities. Some associations were established by way of exception by a presidential decree e.g. the Chamber of American Commerce in Cairo, other associations were established as per the law on NGOs. In several instances the interests of businessmen conflicted with those of the labor associations on the one hand, due to the Labor law and the difference of interests with regard to privatization, and with the commercial and industrial chambers over the legitimacy of the representation of either entity of businessmen, on the other hand.

[13] The LCHR report, *Human Rights in Continuous Deterioration*, on the occasion of the International Day of Human Rights, Cairo, December 2002

Distribution of the NGOs on the Major activities

	Field of Activity	Number	Percentage %
1.	Social Assistance	4591	31.4
2.	Cultural, Scientific and religious services	4265	29.2
3.	Development of Local Societies	3437	23.5
4.	Child and Mother Care	868	5.9
5.	Family Care	851	5.8
6.	Care for the Disabled	212	1.5
7.	Family Planning	81	0.06
8.	Care for the Aged	56	0.04
9.	Environment Protection	53	0.03
10.	Consumer Protection	46	0.03
11.	Friendship among Nations	41	0.03
12.	Social Defense	26	0.02
13.	Literary Activity	25	0.02
14.	Management and Administration	22	0.02
15.	Care for the Prisoners	21	0.02
16.	Economic Development of the Family and State	3	0.03
17.	The Retired	2	0.01
Total		**14600**	**100**

(Source: Ministry of Social Affairs, a working paper presented to the General Union of Associations, the first conference in March 1999)

Fourth: Authority and Illegal Political Powers

The experience of party plurality in Egypt resulted in the fact that the various political currents were represented by legal political parties, despite the fact that many of these parties gained legality by the force of law after the rejection of the Committee for the Parties' Affairs of the establishment applications of many parties. However, there are two main political streams in the Egyptian society which are not represented as legal parties, rendering them banned and unrecognized namely: the political Islamic groups and the Communists.

First: Political Islamic groups

These groups represent that current that regards Islamic religion as the main political feedback in the political life. These groups vary widely, some resort to peaceful means in the political process and usually avoids confrontations with the government e.g. the Banned Muslim Brotherhood. Other groups resort to armed violence as the only means to pressure the government and call for replacing the existing system by an Islamic one, according to their views.

1- The Muslim Brotherhood:

The Muslim Brotherhood group is considered the oldest and most important of the political Islamic groups. Moreover, it is considered one of the major political powers in the Egyptian society due to its huge membership, structural organization and political inclinations. Over the last decade, the group witnessed

major developments in its political activity and its relations with the government and other political currents.

Failing to get recognized by the state as a declared party, it resorted to strengthening its roots in the civil societies whether political parties or syndicates in addition to many civil "charity" associations which the group have established and through which it practices its activities.

By the end of the 1980s, the group made a political alliance with the Labor and the Liberals parties under the name of "the Islamic Alliance". Such alliance was established in 1987 within the framework of preparations for the parliamentary elections conducted as per the system of the party proportional list. That system made it conditional that any political party should gain at least 8% of the total of the votes all over the country in order to be able to have representation in the parliament. Any political power not in the form of a political party was not allowed to run the elections. As most of the opposition political powers boycotted the 1990 elections, on top of which came the Islamic Alliance, the basis of such an alliance started to weaken. The Liberals party withdrew from the alliance in 1992. The leadership of both the Labor party and the Muslim Brotherhood were keen to pinpoint the distinctions between them. However, there was a space of interaction as far as the political discourse is concerned. Both the Labor party and the Liberals party continued to provide channels through the mass media for the Brotherhood to express their views e.g. "*Al Haqiqa*" and "*The Arab Family*" newspapers issued by the Liberals party. The "Al Sha'b" newspaper – the mouthpiece of the Labor party – which is currently blocked used to allow the Brotherhood and other Islamic groups to express their views.[14]

In the first half of the 1990s, the major concern of the Muslim Brotherhood group was how to gain the right to legal and independent political activity. This was due to the group's concern of the vulnerability and double nature of their political activity as they are practically recognized, yet legally denied by the government. There were many speculations that the state would not allow such double nature for long and that there were some pressures to abolish the government practical recognition of the Brotherhood group. Moreover, there were undeclared tensions between the group and the Labor party through which they practiced their activities since the late 1980s until the first half of the 1990s. [15]

Such concern was manifested of what was circulated that the Muslim Brotherhood group was intending to submit an application to work as a legal party under the name of "Al Nahda party. The group introduced to that by issuing a statement in both Arabic and English including the plan of the party, its principles and the broad lines for its program. The Brotherhood resumed these

[14] The Center for Political and Strategic Studies, the Arab Strategic Report 1993, Al Ahram Organization, Cairo, 1994, p. 333

[15] The Center for Political and Strategic Studies, the Arab Strategic Report 1994, Al Ahram Organization, Cairo, 1995, p. 381

efforts by publishing two pamphlets in the name of the group with its logo the first entitled: "A Summary about *Shura*, consultation, in Islam and the plurality in the Muslim society". This paper included the recognition of party plurality, limitations of the term of office on condition that the *Sharia'*, Islamic law be the basic constitution. The second paper was entitled: "Women in Islam". It highlighted the right of enfranchising women, and women's right to membership of the parliament and assuming public positions except for the office of the state's president.

As such, it is obvious that the group tried to create a kind of harmony between its feedback i.e. the Sharia' on the one hand and the requirements of the modern democratic social and political thinking, on the other hand.

In pursuit of gaining the license for legal existence, the Muslim Brotherhood group had to handle another dilemma represented in determining the appropriate level of conflict and contradiction with the government. Their opportunity to gain such license is certainly conditional on being on good terms with the government and even agreeing with it as was the case during the era of the late president, Saddat, until his visit to Jerusalem.

However, such policy wasted their opportunity to introduce themselves as a radical alternative, weakening their ability to mobilize new and more enthusiastic members particularly under the competition with the more extremist Islamic groups, which adopt the strategy of violence and terrorism, over attracting young generations.

It seemed that the Brotherhood have reached a golden compromise through focusing on Islamic teachings, self-control and working through the syndicates and the legal political entities. However, the political interactions on the political arena and the expanding role of the group and its success in a number of professional syndicates and teaching clubs in universities have shaken the credibility and effectiveness of such compromise. The group started to adopt more radical stances towards many of the field of public and political life – increasing the state's misgivings as to the group's real intentions.

In this respect, there started recurrent confrontations between the members of the group and the security agencies in the first half of the 1990s. In June 1993, 10 members of the Brotherhood group were detained for being involved in the international "Salsabil" group. Afterwards, other numbers were detained in Cairo, Alexandria, Al Sharqia, and Sohag. Such confrontations reached their peak in the 1995 elections as the nominees of the Brotherhood were banned on security grounds. However, such confrontations were limited as the group was keen not to accelerate tensions with the government, in pursuit of their demand to be granted the right to establish an independent political party.

The major dilemma that the group had to tackle was compromising between its existence as a political group representing itself as an alternative, and its legal and political crisis. Such dilemma was usually solved by being on good terms with the government – a fact that became obvious in the late 1990s and the beginning of the new millennium. The new political approach of the group was highlighted in the 2000 legislative elections as the group nominated 70 candidates of which 17 won. In this elections in particular, it seemed that the group was most keen not to make confrontations with either the state institutions or opposition parties. The political discourse of the Brotherhood group was generally moderate as manifested in their declaration of the Egyptian constitution the provisions thereof. Moreover, the inciting slogans calling for confronting the present ruling system have disappeared.

It is possible to say that the group has replaced its slogan of "Islam is the Solution" which was used in the 1987 elections by "the Constitution is the Solution" which was launched in the 2000 elections. The group's candidates started to act in a manner nearer to that of the independent candidates, with each candidate acting according to the circumstances of his constituency without ideological fuss.

An approach similar to the one adopted in the legislative elections was adopted in the 2001 elections of the Bar Association. They represented for the first time in the history of their political activity a list comprising 24 nominees making the whole seats of the council with all its different political or non-political inclinations. The Brotherhood members appeared in a manner that might be described as being more of the syndicate and less of the "Brotherhood" than in the previous elections. They were keen to electioneer in an Islamic form and syndicate content, contrary to what occurred in the 1992 elections of the Bar Association as they electioneered in a syndicate form with an Islamic content. [16]
Such strategy dominated the stance of the group with regard to the issues of external policy. This was best manifested in its stance towards the Palestinian Intifada and the war in Iraq. Despite the fact that it declared its support to the Palestinians and denunciation of the American war on Iraq, its stance towards the Egyptian government, which maintains relations with Israel and the US, is a totally pacific one. It is obvious that the group avoids confrontations with the government in any form. Such was manifested in the weak participation of the group in the public demonstrations that took place, until it reached almost complete abstention from participating in the protests against the war on Iraq in March 2003, and even condemning them in favor of the government.

2- The Militant Islamic Political groups

In 1993, new groups emerged, characterized by works of political violence e.g. Talaie El Fateh, Al Harakyoon and others. Despite the emergence of many new

[16]The Center for Political and Strategic Studies, the Arab Strategic Report 2002/2003, Al Ahram Organization, Cairo, 2003, p. 434-435

names, the major groups were: the Islamic group, Al Jihad group, and the Muslims group (Al Takfir wal Higra) which started in the 1970s.

The most coherent and influential group was the Islamic group. This was due to its wide base and huge membership in addition to its selection of the region of Upper Egypt – its origin – to be the center of its organization and practicing activities. This provided it with a political, social, and security environment suitable for strengthening its roots before heading to Cairo. This group was based in the slums and took them as a center for their activities. It was responsible for the violent incidents that took place over the 1980s until the 1990s.

Al Jihad group, the responsible for the assassination of president Saddat in 1981, was one of the most productive Islamic groups. Many groups emerged from it under various names e.g. “Beleivers in Victory”, “Succession”, “Al Harakyoon”, “Islamic Retribution”, and “Talaie El Fateh”. Such groups were greatly influential in the mid 1980s.

The Muslim group (Al Takfir wal Higra) started at the mid 1970s remained as one of the Islamic groups and contributed to the establishment of new groups. Despite its extreme solitariness, its intellectual influence was widespread as many other groups emerged during the 1980s and early 1990s e.g. “Al Tawaquf wal Tabiin", "Al Nagoon Min Al Nar", "Al Shawqiun", 'Taha El Samawi" group and others.

The phenomenon of dissentions is not new to the Islamic political movement; it was even one of its characteristics since the establishment of the Muslim Brotherhood. However, in the 1980s and early 1990s, such dissentions were significantly increasing due to the armed nature of their activities, the secrecy, in addition to the fact that many groups resorted to working underground. [17]
Over the 1980s and early 1990s, such groups committed excessive violent actions on top of which was the assassination of president Saddat in 1981. Such actions may be categorized, according to their field and aim, into two major types: first, political violence i.e. the actions of violence committed by such groups in the political arena, the second, is social violence i.e. the violent actions that take place outside the political context and are basically directed to individuals in society. Of the examples illustrating the first type is the assassination of the former Speaker of the People's Assembly, Dr. Rifaat El Mahgoub in 1990. In addition to the attempts to assassinate the Information Minister, Safwat El Sherif in April 1993, and the Minister of Interior, Hassan El Alfi in August 1993 and the former Prime Minister, Atef Sedqi in December 1993. The same year witnessed an acceleration of assassinations of top official and members of the security agencies.[18]The assassination of Farag Fouda, a writer,

[17] The Center for Political and Strategic Studies, the Arab Strategic Report 1993, Al Ahram Organization, Cairo, 1994, p. 342
[18] ibid, p. 343

in 1993 had serious repercussions as it was the first time to attack the intellectuals directly, particularly with the attempt to assassinate the Nobel-winner, Naguib Mahfouz.

The second type of violence i.e. social violence can be divided into two types namely, violence against individuals and factional violence. The first type aims at changing the social behavior of individuals by force. This phenomenon started in the mid 1980s with the increasing role and number of the Islamic groups in the Egyptian society. Such incidents were manifested in breaking into houses and assaulting their owners with the pretext of practicing immoral acts in such houses, assaulting the wine vendors, destroying video cafes and assaulting artists. In some instances they used to prevent social celebrations in order to oblige women to get dressed in certain uniforms. They also used to attack shrines and festivities that are usually held near such shrines which are part of the religious popular traditions. The second type i.e. the factional violence is manifested in the assaults on some of the Coptic individuals, properties and churches, particularly in Upper Egypt.

The first half of the 1990s witnessed an acceleration of armed violence on the political and social level. However, the following years witnessed a retreat in political violence i.e. the one directed to political figures with the continuation of the incidents of communal violence, yet with a lesser degree than in the early 1990s. Such is due to the firm security campaigns by the security agencies against the armed Islamic political groups. Such campaigns weakened the activities of these groups and after the Luxur incident in 1997; Egypt did not witness any other attack by the armed political terrorism.

Second: the Egyptian Communist Movement

Over the 1990s, the Egyptian Communist Movement witnessed major developments particularly in the beginning of that decade. The factions of the movement experienced major dissentions and a notable retreat in its political and regulating performance. This was primarily due to the collapse of the USSR and the Socialist group. Some of the major and influential communist groups

retreated while some other factions that were previously marginal started to grow in numbers and influence. With the three conferences of the Egyptian Communist party held in 1980, 1984 and 1992, divisions started until they reached 12 communist groups in 1992 and about 20 groups in 1995. The most important of such groups over the 1990s are the following:

1- *The Egyptian Communist Party*: it is the most important of the communist parties and groups. It represents the historical routs of the Egyptian Communist movement since the 1920s. Its importance lies in its ability to hold three public conferences in 12 years time. It is struggling to gain legality, but achieved no progress in this regard.
2- *The Egyptian Communist Laborers Party:* it is characterized by its firm views in the confrontations with the government and other communist groups.
3- *The Democratic Communist Party:* it is a dissident of the Communist Laborers party due to differences in the effectiveness of the revolutionary tendency and its role and the mechanisms of political acceleration.
4- *Communists' Union party:* it is a dissident of the Communist Laborers party. Its views are very similar t those of the January 8th Party as both call for the unity of the communist groups.
5- *The Revolutionary Current:* it is the most moderate of the Egyptian communist movement. It participated in the PA elections held in April 1987.
6- *The Truth group:* it comprises the members of the Revolutionary Current who participated in issuing "*The Truth*" bulletin, a non periodical pamphlet issued by the Current. The difference between this intellectual group and the regulating levels in the Revolutionary Current resulted in the dissention of some intellectuals and formed a small independent group carrying the name of the pamphlet *The Truth*, whose members have radical inclinations.
7- *January 8th Party:* a communist group named after the memory of the first and last unity among communist groups in January 8th 1958. It aims at unifying the communist groups in a single regulating group.
8- *January 8th New party:* it is a continuation of the previous party. It was established in 1992 by some members of the old party and some university students after the collapse of the ole January 8th party due to internal differences and security restrictions and the inability of the communist groups to respond to the call for unity launched by the party.
9- *The Revolutionary Communists group:* it comprises a small number of communists and university students who believe in the ideas of Leon Trotsky based on criticizing the USSR experience as being a deviation from the revolutionary principles of Marxism. It is believed that this group have significantly grown in the late 1990s and the beginning of the new millennium – a fact that became obvious in the protests of March 20, 21 2003 against the war on Iraq. In the wake of such protests one of the members of the group was arrested in a state security case which came later to be known as the case of the Revolutionary Communists – a new

incident of its kind as the latest case of a communist group, the January 8th party in 1984.

10- *The Scientific Socialist group:* it is a limited circle of intellectuals who believe in the philosophy of "Scientific Socialism". This group does not have a definite regulating structure and does not exceed being a forum primarily concerned with discussions.

It is noteworthy that these parties are not political parties in the established legal or political sense and does not have large numbers of members. On the other hand, the Egyptian Communist party is the only group that has a definite regulating structure and has its own conferences and a limited by-law. Moreover, it is the only party that has regulating branches in most of the Egyptian governorates.

Due to the deteriorating situation of the communist groups, confrontations with the security agencies have significantly decreased over the 1990s and the beginning of the millennium as they seemed to have been more concerned with their internal affairs than with reintegrating their activities in the society and in opposition to the government.

Fifth: Professional Syndicates and the State

Over the last decade, the professional syndicates have witnessed significant developments as they have turned into one of the major arenas for political conflict in the Egyptian society. The most important of the political developments witnessed by the Egyptian society is the passing of Law No. 100 of 1993 on Professional syndicates in February 1993 due to the effect of the said law on the professional syndicates. The latter has acquired great importance since the onset of the era of political pluralism in 1976. Such law affected great changes in the professional syndicates and in their relations with the state agencies.

The aim behind that law was to politicize such syndicates which have become arenas for conflict between the political forces and parties and the government. The said parties compete to dominate the arenas of such syndicates. The process of politicization was not restricted to elections but extended it to the practice of syndicate activities. The powers which have gained the confidence of the electorate worked to implement their programs in combination with the ideologies which pushed these powers to syndicates – a fact that can be illustrated through holding seminars, delivering speeches and adopting slogan relating to the internal and external policy.

Over the last decade, the Islamic political current enjoyed the highest representation in the activities of syndicates. This was highly manifested in the results of the last elections in which the Islamic current outweighed the government in the elections of the syndicates of doctors, pharmacists and engineers and the Bar Association.

However, the accelerated violence in the political arena by some Islamic groups over the 1990s, lead the government to make confrontations with all Islamic currents without distinction between a peaceful group and another that causes riot. The state itself has directly contributed to politicizing the syndicates. In the aftermath of the 1952 Revolution, the state gave the impression that the syndicates are part and parcel of the ruling system as it utilized some syndicates to support the parties competing for authority in 1954. After the spread of political pluralism in the mid- 1970s and the political powers have entered the field of syndicates, the state – under the umbrella of the National Democratic party - tried to be a direct party in the conflicts within syndicates. After the elections, it nominated heads and members of syndicates and deemed itself a major party in the conflict, instead of being a judge. Due to its recurrent defeats by the Islamic currents, the government promulgated a unified law on professional syndicate with a view to undermining the domination of these currents. [19]

[19]The Center for Political and Strategic Studies, the Arab Strategic Report 1993, Al Ahram Organization, Cairo, 1994, p. 354

The syndicates' activities, over the past decade, have illustrated the impacts of Law No. 100 of 1993. Since its issuance, this law was severely criticized by the political opposition powers, on top of which, was the Islamic current. A challenge was made against the constitutionality of the said law. In 2002, the Administrative court referred the challenge against Law No. 100 of 1993 as amended by Law No. 5 of 1995, to the Supreme Constitutional court to consider the constitutionality of the said law.

The challenge invoked a procedural defect i.e. not referring the law to the Shura council before presenting it to the parliament – as per the provisions of the Constitution. Moreover, the law included identifying a quorum that hampers the approval of the results of the elections – violating the constitutional conditions of the said law as the law made it conditional that half the number of the General Assembly be presented while conducting the elections, and in the re-elections a third should be present. This is in non-conformity with the elections of the PA whose membership is gained by the majority of the votes of the attendants. The challenge also highlights the deficiency in the activities of syndicates due to the judicial administration of syndicates which might infinitely last in case that the quorum is not reached for several times.

Many of the political powers and leaders of syndicates bid that the law might be deemed unconstitutional, and the overcoming of the problem of quorum and the procedural obstacles related therewith which hamper conducting elections in many syndicates. Such situation resulted in a case of freezing of the activities of some of the major syndicates, particularly the ones including political currents. [20]

It is noteworthy that elections in some syndicates were not held despite the expiry of the legal periods of their councils. No elections was held in the syndicates of doctors, engineers, pharmacists, teachers, Veterinarians, and the syndicate of Applied Arts since the issuance of Law No. 100 of 1993 until today. However, elections were normally held in other syndicates e.g. the syndicates of Journalists, Teachers, Cinema, with the exception of the elections of the Bar Association which teamed with political alliances.

Law No. 100 of 1993 crippled the activities of professional syndicates. It is an indication of the state's tendency to dominate all facades of political and civil activity in the Egyptian society – a fact best illustrated by the passing of Law No. 84 of 2002 which aims at tightening the grip of the government on the NGOs.

[20]The Center for Political and Strategic Studies, the Arab Strategic Report 2002/2003, Al Ahram Organization, Cairo, 2003, p. 441

Sixth: Labor Syndicates

Over the last decade, the Labor syndicates have witnessed violent tensions and pressures coping with the major economic and social transformations due to the transformation to the policy of market and the new liberalism.

The impacts of such transformations on the life and status of laborers in the Egyptian society wee great as the laborers are at the core of such transformations due to their direct relation with the production process – the core of the economy of any society. There were also implications on their syndicates which are supposed to express their needs and interests. The Egyptian government has passed much legislation regulating the activities of the labor syndicates, the most recent of which was Law No. 35 of 1976 as amended by Law No. 1 of 1981 as amended by Law No. 12 of 1995. [21]

Article 3 of the said law ensures the laborer's right to freedom of joining a syndicate or withdrawing from it. It also defined the structure of syndicates in Egypt as being hierarchical and based on the unity of the syndicates (one union for not syndicates and not numerous centers).

The constitutionality of the said article was challenged and the Supreme Constitutional court deemed it in conflict with the Constitution on the grounds that the freedom of members to establish and join syndicates is one of their basic rights to form more than a syndicate within the same establishment and their right to establish more than one general union for syndicates.

The base of the hierarchical structure of syndicates is the committee of the syndicate in the establishment or the professional syndicate committee. On top comes the general union of labor syndicates and in the middle are the general syndicates.

The said law specified that a member of syndicate should not be less than 15 years of age and not to be an employer of a commercial, industrial, agricultural, or service activity. The rules applicable to an employer – in the membership of agricultural syndicates – apply to the owner of more than three feddans, Article 19.

[21] The Rights of Laborers in Egypt in 2003, the Land Center for Human Rights, Cairo 2003, p. 23

The abovementioned law stipulated that in order for an unemployed laborer to maintain the membership of the syndicate to have at least passed one year as a member and in this case he is granted exemption from paying the membership fees during the period of his unemployment. As per Article 23 of the said law, the laborer who retired due to reaching the age of retirement or disability may maintain the membership of the syndicate on condition of paying the membership fees. Such allowed the occurrence of more than 160 leaders at the top of the general union and the general syndicates of those who have surpassed the age of retirement and were retired, yet remained there with the members of the syndicates. [22]

The base of labor syndicates includes – according to the statistics of the general union of laborers – approximately 4.5 million laborers (an exaggerated number) divided into 2000 syndicate committees. However, in fact, this does not represent but 25% of the total of the labor power which is estimated at 17,631 million laborers– according to the Arab Labor Organization in 1998, while the American Embassy in Cairo, in a recent report, estimated it at 18, 3 million laborers.

This reflects the unpopular nature of such syndicates. According to the statements of the Minister of Labor power in the General Assembly of the general union of syndicates in November 2001 that there are millions of laborers deprived of joining syndicates due to pressures posed by employers on the one hand, and the absence of the syndicate structure on the other hand. In addition to the exclusion from syndicate membership of some segments of laborers e.g. laborers under 15 years- old whose numbers are estimated at 1,5 and 2 million laborers, par time laborers and the unemployed laborers.

However, the current membership is an artificial one as the members are not concerned with the affairs of the syndicates, do not participate in its activities and do not monitor its performance. Accordingly, the relation between the syndicates and the bulk of laborers was severed. Most of the protests by laborers were outside the frame of the syndicate and mostly against it – a fact that allowed the state control over such syndicates after they have become representatives of small segments of laborers. This also led to the centralization of authority in the upper levels i.e. the general syndicates and the general union, particularly with denying the factory syndicates any authority and their juridical entity. [23]

The recent elections of labor syndicates, the 2001 – 2006 round, reflected the fragility of the structure of labor syndicates in Egypt and its full domination by the state. Elections were held in and the results were declared in 750 establishments or committee by winning unopposed. It was postponed in more than 115 - half the numbers of syndicate committees (45%)
The elections were concluded by the declaration of winning unopposed in 13 general syndicates and unopposed after run-off elections in 4 others. The total

[22] ibid, p. 24
[23] ibid, p. 25

number of the general syndicates that wined unopposed 17 out of 23 syndicates, about 74%.

As for the general union for syndicates, there is no room for talking about elections as nomination for this union can not be unless through the councils of the general syndicates which can not nominate but one representative which will be constituted without elections. [24]

Such elections witnessed many violations of the rights of laborers, on top of which was the exclusion from nomination which will represent hundreds of leaders of syndicates who are advocates of laborers and opposing to the general trend. Accordingly, the excluded laborers or those who object to the forged results of the elections filed many challenges. Dozens of court rulings were passed in favor of these laborers. However, the Trade Union and the Ministry of Labor Power refused to adhere to the judicial rulings and violated such important legal guarantee.

The situation of laborers over the past decade reveals many violations which the laborers have undergone in favor of capital. In addition, breaching their right to have an independent syndicate that expresses their interests. This comes within the framework of the campaign organized by the state against laborers since the beginning of the economic reform and structural adaptation which begot the Egyptian economy the economic crisis which the laborers and the poor have paid for.

[24] ibid, p. 25

The Second Chapter: The Economic Situation

First: Transformation towards Market

The structural re-adaptation programs, or what the Egyptian government calls the programs of economic reform are within the formwork of the formula of the International Monetary Fund (IMF). Such programs are an attempt by the Egyptian capitalism to overcome its crisis for which the state capitalism, in the Nasserite pattern, failed to provide a solution to avoid the deterioration of its revenues and accordingly its slow growth and threatened continuation.

Law No. 43 of 1974 on Investment of Arab and Foreign Capital, known as the law of the open-door policy, was the symbolic beginning of restructuring Egyptian capitalism. This was fulfilled by pushing the state into the trend of the new liberal policies aiming at shrinking the direct role of the state in economy; expanding the role of the private capital by attracting world investments; and re-enforcing the laws of free market which are governed by supply and demand.

The early 1990s witnessed a significant development in the program of economic transformation as Egypt signed the agreement of the IMF in May 1991. Ever since that year, many measures have been taken in order to implement a package of economic policies in the way of transformation to the capitalist market.

Second: Reformation Programs

The primary objectives of the restructuring programs, or what the government calls the economic reform program, are: reducing the deficit in the Balance Sheet and achieving a temporary stability in the exchange rate of the Egyptian pound. This means the absolute and proportional reduction of the share of the working class and the peasants of the total income. Pursuant of these goals, the government started implementing a package of policies which are as follows:

1- Reforms in the Financial Sector:

The first procedure in reforming the financial sector was the liberation of the rates of debt-credit interests. Interest has become subject to the mechanisms of supply and demand instead of the stable structure of interests which was distributed among commercial banks by the Central bank by the beginning of each fiscal year. The system of treasury bonds was adopted as it represents one of the forms of the debts of the government. The interest rates on three-month deposits by the interest rate on treasury bonds in the aftermath of these reforms, the interest rates soared high.

In the early 1990s, the increase of the interest rate on the deposits in local currency was accompanied by a decrease in the interest rates on the deposits in US dollars to unprecedented levels (15% to 3%). Such measures helped the government to control the value of the Egyptian pound against the US dollar and to control inflation. However, such procedures had negative impacts on banks and led to the decrease in investment and increase of the national debt. The rise in interest rate on the deposits in local currency, which reached 23% in some cases, to the tendency of investors to invest their capitals in short-term deposits (3 months), in local currency or investing their capital in purchasing treasury bonds with high interest rate instead of investing their money in production projects. Such rise in interest rates was reflected on loans as investors decreased their demand for credits from banks due to the high cost of capitals. [25]On the other hand, the expansion in issuing treasury bonds to the increase of the internal public debt which amounted to LE 123 billion in 1995. In order to overcome the state of shrinkage of economy, the government tried to adopt a number of banking procedures. [26]

However, all such facilitations did not solve the problem of shrinkage of investments and the surplus of liquidity at banks. In other words, the reason behind the investors' refraining from making loans from banks was not primarily the rise in interest rates, but the semi-permanent case of stagnation which overwhelmed the Egyptian market. It was clear that the problem does not lay the credit and cash policies, but in the decrease of the profitability of production products. In spite of the decrease in interest rates, demand for credit continued to decrease.

2- Privatization:

The implementation of the privatization program in Egypt began since the passing of Law No. 203 of 1991, which was called the law on the Public Enterprise sector. The passing of such law led to the restructuring of the public sector through 17 holding companies in various fields and affiliated with each holding company a number of companies active in the same field. The most important elements of the said law are the following:

1- Distinguishing between ownership and management through their holding companies. There was also a distinction between the balance sheets of the

[25] *Economic Reform in Egypt*, Mona Qassem, Cairo, 1998, p. 23
[26] ibid, p. 49

companies and the public balance sheet of the state so that each company may face the outcomes of its activities. This lead to the alleviation of pressures on the public balance sheet of the state, yet it was disastrous to the Public Enterprise sector. The latter has become directly facing problems of survival under the competition and mechanisms of market.

2- The said law entrusted the newly founded holding companies to supervise the affiliating companies to offer percents of the capital of such companies not exceeding 49%. It also authorized the companies to rent or run production channels for the benefit of others.

The privatization program consists of several sectors for selling: firstly, shares owned by the holding companies in the capital of the joint ventures subject to the provisions of Law No. 230 and the stockholder companies subject to the provision of Law No. 159; secondly: the shares owned by the holding companies in the capital of the affiliating companies subject to the provision of Law No. 203 in which the private sector is a stockholder since its establishment; thirdly: the shares owned by the holding companies in the capital of the affiliated companies subject to the provisions of Law No. 203 which are totally owned by the holding company; fourthly: the assets defined by the affiliating company that would be offered for sale (shops, production channels, hotels, … etc.). [27]

The purchasers of the units owned by the Public Enterprise sector are granted all the rights and freedoms exercised by the companies of the private sector as defined by the prevailing laws and legislations. No restrictions are imposed on the new purchasers with regard to the production directed to the production units and sales in domestic and foreign markets with the exception of the sector of public services. In addition, they are granted the full freedom to determine the suitable labor power.

The first privatization experience in Egypt was fulfilled through subscribing the shares of the Egypt Company for Chemical Industries which was conducted by the Misr Bank in the early 1993. It was significantly successful as 5, 5 million shares were subscribed and the applications totaled 6, 5 million shares. The second phase came in the wake of the official declaration of starting the implementation of the privatization program after the stabilization of the holding companies as per Law No. 203 of 1991 and preparing the stock market to receive the new goods as per Law No. 95 of 1992.

Subscription of the public sector companies started at 10% of the total of the companies subscribed by the evaluation rate. Over this period, many privatization operations were fulfilled successfully e.g. the privatization of the Paintings and Chemical Industries Co. and Al Amerya Cement Company. However, with the deterioration of the Egyptian stock market, there emerged new methods of privatization e.g. purchasing through Broker companies through which some companies have been sold. [28]

Since May and June 1996, the privatization program was greatly accelerated to the extent that the total shares of many companies were offered for subscription and neglecting the

[27] ibid, p. 72
[28] ibid, p. 99, 100

system of 10% of the shares. The said period witnessed: firstly: selling companies which have previously subscribed 20% of its shares in the stock market in 1995 which amounted to 16 companies – not exceeding 51% of the shares of such companies; secondly: subscribing new segments of companies that have not been subscribed before which amounted to 46 companies with selling of more than 51%, such companies include companies in the fields of food industries, weaving, engineering, metallic and non-metallic industries, construction and housing; thirdly: subscribing the whole shares of 14 companies in the sectors of food industries and engineering industries, fourthly: selling 37 hotels owned by the public sector , 27 built hotels and 10 Nile ship-like restaurant, fifthly: subscribing outlets of the Ministry of the Internal Trade, owned by the public sector e.g. Sidnawi, Omar Effendi, Benzaion, Hano, … etc, sixthly; subscribing the quota of the public sector banks in the joint banks which amount to 13 banks. [29]

The privatization policies resulted in the early retirement of 70 thousand laborers over the second half of 1998. Thus, the number of the laborers that have been given their pink slip, due to that system, reached 130 laborers within one year.

3- Agricultural Reform:

The program of economic reform in the countryside passed through two major phases. The first phase lasted from 1987 to 1989 which included first, the liberation of prices, the abolishment of obligatory collection of 10 basic crops and the start of opening markets for private investment. The main results of this phase were: raising the prices of fertilizers by 75%, liberating the crops fully, allowing the private sector to export citrus fruits and separating the Agricultural Bank from marketing the production equipment. [30]

Te second phase extended from 1990 to 1994. it aimed at increasing the price of cotton to 66% of the world price, liberating it in 1994, raising the obligatory collection and abolishing subsidy for all the equipment of production. It also aimed at restricting and abolishing subsidized credit for peasants and amending and marketing seeds.

The price of wheat rose from LE 35 per ardeb in 1986 to LE 75 per ardeb in 1989 – an increase over 100%.[31]

The major development, however, in the economic reform of the countryside was the liberation of the relations of rent. The old law on agricultural rents used to define the rent by 7 times the tax imposed and bans the eviction of peasants from the agricultural lands – hampering land centralization.

After the liberation of the market of equipment and crops market, it was imperative to repeal the old laws hampering the market of agricultural lands, accordingly blocking land centralization. The latter is the only means to attract investments particularly to agricultural production. The amendment which was started at the agricultural year 1992-

[29] ibid, p. 103, 104
[30] *Egypt's Agriculture during Reform*, Lyman Fletcher, Aiwa state, p. 55
[31] ibid

1993, included raising the value of rent from 7 times the tax imposed on lands to 22 times the tax. Such situation was in a transitional phase until 1997 after which the rental relations were fully liberated to be governed by the market powers. [32]

The small peasant, the landlord and tenant, was totally threatened – the prices of production equipment doubled dozen times, the prices of crops were left to a world market with sharp fluctuations and competition with more capable and efficient countries in producing the same crops. Credit from banks became almost impossible after abolishing their works and leaving them to the market. The final stroke came through the new rent law. According to the said law, thousands of tenant peasants and small landlords were evicted. Such eviction was conducted in a ruthless manner by the Central Security forces. Many peasants were injured and killed in the police's attempt to uproot them from their lands.

Third: Indicators of the Economic Crisis

Over the past years, many social trends indicate that that there is a real economic crunch which is the outcome of the experience of reform which lasted for more than a decade. Such crisis can be measured through the major indicators that govern the performance of any economy and determine its effectiveness.

1- Deterioration of Growth Rates:

The monthly economic report issued by the Egyptian Ministry of Foreign Trade indicates that the true growth rate of the Egyptian GDP has deteriorated from 5, 9% in the fiscal year 1999/2000 to 3,4% in the fiscal year 2000/2001. Then it continued to deteriorate until it reached 3, 2% in the fiscal year 2001/2002. [33]

The data provided by the IMF indicate that the actual growth rate of the Egyptian GDP has decreased from 5, 1% in 2000 to 3, 30% in 2001until it reached 2%in 2002. [34]

It is noticeable that the deterioration of the growth rates over the first three years of the new millennium was accelerated as compared to the growth rates at the late 1990s. the true growth rate of the Egyptian GDP reached 5% in the fiscal year 1995/96 while it continued to increase until it reached 5, 6% in the fiscal year 1999/2000. [35]

2- Unemployment:

There is a reversed, yet close relationship between the unemployment rates and the movement of the actual growth of the GDP and with the rate of investment. There is a contradiction between the official statements regarding this issue – rendering them all

[32] ibid, p. 29
[33] *The Monthly Economic Report*, the Ministry of Foreign Trade, November 2nd, 2002
[34] The Economic Strategic Trends, the Center for Political and Strategic Studies, Al Ahram, 2002
[35] *The Monthly Economic Report*, the Ministry of Foreign Trade, November 2nd, 2002

unreliable. The statements of the Central Bank of Egypt, in its statistical monthly report, October 2002 point out that the unemployment rate in Egypt has reached 7, 9% and 8, 45 in the fiscal years 1999/2000, 2000/2001 successively. [36]

However, the statements of the Ministry of Foreign Trade (the monthly economic report, November 2002) indicate that the unemployment rate n Egypt has reached 7, 70% and 8, 32% in the said two years successively.

The unofficial statements seem to be nearer to reality. A study[37] points out that the unemployment rate according to the primary findings of a research of sample labor power conducted by the Central Agency for Public Mobilization and Statistics in the period 1989 – 1992 reaches 17, 5% of the labor power – 2672 thousands unemployed laborers in 1992.

The actually estimated number of unemployed individuals is 5 millions. This comes under the weakness of the growth rate accompanied by the lowered assimilation of laborers over the last year. Moreover, the Egyptian labor power which returned in the aftermath of the second Gulf War and the cases of stagnation and bankruptcy of the private sector, in addition to the victims of privatization and the early retirement.

Unemployment is, undoubtedly, one of the most critical problems which are facing Egypt now. It is dangerous not only because f the waste of human power and the consequent economic losses, but also due to the grave social implications of resulting from being unemployed particularly among youth. Unemployment is a suitable environment to the growth of crime, extremism, and terrorism – trends from which Egypt has suffered over the last decade.

3- Inflation:

The statements of the Ministry of Foreign Trade indicate that the change in the indicator of the consumer prices, inflation, has reached 2, 4% in the fiscal year 2000/2001 and remained at the same rate in the year 2001/2002. [38]The statements of the IMF indicate that the change in the inflation rate has reached 2, 4% in 2001 and reached 2, 5% in 2002 and it is expected to reach 3, 4% by 2003. In spite of the modest rise in the inflation rate over 2002 and the speculations of a real rise in 2003, the rate is still low, according to the speculations of 2003, and is not to be compared to the high inflation rates which Egypt has undergone until the early 1990s. (See table, p.

However, it is imperative to point out that there is a real danger of the increase in the inflation rate due to the deterioration of the exchange rate of the Egyptian pound against the US dollar and the major free currencies. Accordingly, all the imported goods will rise in price the same way such currencies rise against the Egyptian pound. In the fiscal year

[36] the Central Bank of Egypt, the statistical monthly report, October 2002
[37] Dr. Ramzi Zaki, Farwell to the 20th Century, Arab Future Publishing House, Cairo, 1999
[38] *The Monthly Economic Report*, the Ministry of Foreign Trade, November 2nd, 2002

2001/2002, the value of the imported goods reached $ 14644 million i.e. it consists 16,6% of the Egyptian GDP. In the fiscal year 2000/2001, GDP reached about $ 97 billion; it decreased to $ 88 billion in the fiscal year 2001/200 due to the deterioration of the value of the Egyptian pound against the US dollar.

Hence, the rise in the value of the US dollar against the Egyptian pound from LE 3, 707 per dollar in 2000/2001 to LE 4, 339 per dollar in 2001/2002, by 17%, and the following deterioration of the pound against the dollar after liberating the exchange rate in January 2003 to reach 7 pounds per dollar – an increase of, mean that the value of the Egyptian imports estimated by the Egyptian pound has increased by the same rate. This leads to an increase in the inflation rate by at least 6% - according to the percent of imports to the GDP. [39]

4- Flee of Investments:

According to the statements of the United Nations, the flood of direct foreign investments to Egypt reached $ 1691, 2, 510,1, 532 million in the fiscal years 1999/2000, 200/2001, 2001/2002 successively. The total of the foreign investments accumulated in Egypt since the beginning of the flood of such investments until 2001 has reached $ 21, 4 billion. [40]

As for the percent of the national investments to the GDP, it has steadily deteriorated from 21, 3% in the fiscal year 1997/98 to 20, 8%, 18, 9%, 17, 7%, 17, 6% in the fiscal years 1998/99, 1999/2000, 2000/2001, 2001/2002 successively. [41]

If the real growth in the production of goods and services results from increasing the efficiency of the prevailing production system and new investments, then, such level of the national investments as part of the GDP can hardly lead to a real growth in the GDP. Besides, the floods of forged money into Egypt which reached $ 6046 million over the last three years rendered the situation even worse. [42]

5- Foreign and National Debts:

Since the second Gulf War and the subsequent implementation of the program of economic reform in Egypt, the external debts of Egypt have significantly deteriorated as Egypt was exempted from many of such debts. However, such decrease in the Egyptian foreign debts was reflected in the fiscal year 2001/2002 as the value of Egypt's external debts rose to $ 28, 7 billion as compared to 26, 6% in the fiscal year 2000/2001.

The percent of the Egyptian external debts as compared to the GDP reached 32, 6% in the fiscal year 2001/200 as compared to 28, 5% in the fiscal year 2000/2001. The total of the

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[39] *The Economic Trends*, the Center for Political and Strategic Studies, Cairo, 2002
[40] ibid
[41] *The Monthly Economic Report*, the Ministry of Foreign Trade, November 2nd, 2002

[42] ibid

national debts of the government amounted to LE 221 billion in the fiscal year 2001/2002 as compared to LE 195 billion in 2000/2001, LE 164 billion in 1999/2000, and LE 147 billion in the fiscal year 1998/1999. [43]Hence, it is clear that the national and external debts increase significantly – an important indication of the crisis of the Egyptian economy.

[43] *The Economic Trends*, the Center for Political and Strategic Studies, Cairo, 2002

Table (1)

The Statements of the government on GDP and the major indicators of the performance of the Egyptian economy in the fiscal year 2001/2002

Fiscal Year	GDP in LE billion	Rate of dollar against LE	Unemployment rate	Inflation rate	Domestic savings as a percent of GDP	National savings as a percent of GDP	National investment as a percent of GDP
1995/ 1996	299	3, 393	9, 2%	7, 3%	12, 7%	-	16, 6%
1996/ 1997	266	3, 389	8, 8%	6, 2%	11, 5%	16, 9%	20, 9%
1997/ 1998	287	3,395	8, 8%	3, 8%	10, 9%	16, 7%	21, 3%
1998/ 1999	308	3, 396	8, 1%	3, 8%	11, 9%	17,2%	20, 8%
1999/ 2000	340	3, 446	7, 7%	2, 8%	11, 6%	16, 3%	18, 8%
2000/ 2001	359	3, 860	8, 3%	2, 4%	12, 2%	16, 3%	17, 7%
2001/ 2002	382	4, 338	9%	2, 5%	11, 4%	14, 9%	17, 6%

Source: *The Monthly Economic Report*, the Ministry of Foreign Trade, November 2nd, 2002

Table (2)

The state Budget, the proportional distribution of the expenses of the state budget

Item	1990/ 1991	1991/ 1992	1992/ 1993	1993/ 1994	1994/ 1995	1995/ 1996	1996/ 1997	1997/ 1998 modified	1998/ 1999 modified	1999/ 2000 aimed
1. Current uses	60, 1	76, 1	79, 1	81, 9	81,8	81,0	79,9	78, 9	78, 3	77, 5
Wages	16, 8	16, 9	18, 8	19, 7	21, 5	21, 9	22,9	24, 1	24,8	
Other Current expenses	43, 3	59,2	60, 3	62, 2	60, 3	59, 0	57, 0	54, 7	53, 4	52,1
2. capital expenses	39, 9	23, 9	20, 9	18, 1	18,21	18,4	20, 1	21, 2	20, 6	22, 5
Investments	24, 1	26, 0	21, 2	18, 9	19, 4	19, 5	21, 0	22, 0	21, 5	1112,0
Net capital transfers and the National Investment Bank	15, 7	2,1	0, 3	0, 9	1,2	1,1	0,9	0,9	1, 3	10, 5
Total expenses	100	100	100	100	100	100	100	100	100	100

Source: *the report on Comprehensive Development in Egypt,* the Center for Studies and Research on Developing Countries, Cairo, 2001, p. 341

Since its beginning in the early 1970s, the program of structural adaptation was one of the major influences on the social situation in Egypt. Such program is based on the withdrawal of the government form its role in economic, social and cultural care and the full liberation of the economic, social and cultural relations according to the market economy. The actual implementation of the program began in the early 1990s by privatizing the companies and factories of the public sector and amending the relevant laws or passing new laws e.g. the law on the public enterprise sector. Besides, more than two thirds of the trained labor power was either forced to early retire or was collectively dismissed.[44] Afterwards, there was the amendment of the laws of the professional and labor syndicates such that these syndicates became under the state control – as will be further illustrated in the report – in addition to the disintegration of the political and civil groups and institutions – see the section on the political situation.

Moreover, the state ceased to assimilate the annual comers at the labor market as their number reaches 800, 000 laborers per year for whom only 150, 000 job opportunities are provided i.e. 650,000 persons join the queues of unemployment annually.[45] The Unified Labor Law, No. 12 of 2003 was enacted to authorize the businessmen to increasingly violate the rights of laborers. The government is drafting a new law on the professional laborers working for the state. It is expected that such law would complement a cluster of laws that would allow the liberation of the market in all sectors.

Additionally, the government has passed Law No. 96 of 1992 on the liberation of the rent contracts of the agricultural lands of whose rental relationships have expired prior to this law. The Law came into force in October 1997, accordingly the rent contracts of 904 thousands tenant, providing for 5, 3 million people, were terminated.[46] The financial losses resulting from the rise in the rates of rent of the agricultural land were estimated at LE 2 billions lost by the tenant poor peasants in favor of the landlords.[47] The said law resulted in the unemployment of more than 400, 000 tenant.[48] Moreover, it highly affected the income of peasants due to the increase in the rents from LE 600 per feddan to LE 2000.[49] The income of most peasants decreased and they were no longer able to afford the fees of medical treatment or education tuitions. Accordingly, diseases increased and rates of illiteracy and dropping from school increased in the Egyptian countryside. (see the section on the Right to a Peaceful Life)

Law No. 4 of 1996 was passed on the liberation of rental relationships in the housing and non-housing areas and the places which have not been previously rented or were evacuated and lack the owners who have the right to inhabit them. Among the results of this law was the rise in rents high above the abilities of the poor. Accordingly, inhabitants

[44] The concept of Privatization, Sa'ad Hafez, papers of the LCHR training workshop on the political and social rights, Cairo, 2001
[45] report on the Trends of the Egyptian Economy, US Embassy in Cairo, Cairo, 2003
[46] Peasant' Affairs Endangered, Vol. 2, LCHR, Cairo, April, 2001
[47] ibid,
[48] ibid,
[49] ibid,

of slums and graveyards increased while millions of flats remained vacant and deserted. (See the right to Housing). The number of the inhabitants of slums reached 7 to 11 million individual. [50]

The state expenditure in the fields of education and health is a modest one. The quota of the student of the expenditure on education per year does not exceed $ 137, and the annual quota of the individual of the total expenditure on health does not exceed $ 124.[51] Accordingly, two parallel phenomena emerged, namely, the private lessons and the external I.e. non governmental book, and private clinics – an unofficial privatization[52] of education and health.

However, some positive laws on women and children were passed e.g. the new law of Personal Status, Law No. 1 of 2000. Such law grants women freedom to get themselves divorced and grants her the right to include whatever conditions to the marriage contract. Many laws on the rights of the child were passed. In spite of the establishment of the National Council for Human Rights and the abolishment of some of the martial laws and approval of passing the nationality of the Egyptian mother to her children, the situation in Egypt remains bad. This is due to the lack of true belief in Human Rights on the part of the state and its tendency to pass legislations and make decisions with propagandistic nature and have political dimensions (mostly foreign). This is best manifested in the Emergency Law, which is the prevailing law since 1981 until now and will be enforced until 2006 – rendering Egypt the only state all over the world in which the state of emergency is enforced for 25 years successively.

The state has passed some positive legislation in favor of women and children, yet the state of political and social suppression that affect the poor in Egypt, men, women, children and even the elderly. In 2003, the government decided to take hold of the deposits of pensions in the National Investment Bank and using this money in paying the internal debt of the government. This would dangerously affect the money of the insured elderly and disabled in case the economic crisis persists.[53] The Egyptian economy depends basically on the service sector which gets highly affected by the political and economic situations in the world and in the Middle East which is characterized by political and economic instability.

Such impacts on the social situation in Egypt were intensified over the last decade. Hereunder enumerated are some of the social indications of such situation:

1- Poverty:

[50] Report of the Reply to the Statement of the government, the Egyptian Center for Housing Rights, Cairo, 2000
[51] Report of the Indicators of Development in the World, the International Bank, 2002
[52] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001
[53] Al Ahali Newspaper, Issue on December 24, 2003, Cairo, 2003

Despite all the facilitations and legislative support provided by the state to the private sector, the latter failed to achieve actual development in Egypt and did not provide appropriate solutions to the social problems such as unemployment, poverty … etc. The poverty rates are still high; it reaches 38, 3% in the large sense of poverty, and 24, 2% in the narrower sense. 60% of the poor are based in the rural areas and 40% in the urban areas.[54] The intensity of poverty is increased in Upper Egypt as it ranges from 50% to 75% of the inhabitants as compared to less than 40% of the population of Lower Egypt except for Al Behira governorate (38, 3% as per the narrower sense, and 52, 3% in the larger sense).[55] Moreover, it reaches 48, 6% in Qalubia governorate and 41% in Munufia governorate – as per the statistics of 2000.[56]

The statement of actual wages indicates a decrease in wages over the 1990s (see the tables). Moreover, the liberation of the exchange rate which did significantly affected the purchasing power of citizens as the Egyptian pound lost approximately 40% to 50% of its value against the US dollar. This was not accompanied by a rise in wages – leading to the increase in the rates of poverty over 2003 as regards the larger and narrower senses alike.

Accordingly, the intensity of political tensions increased in the poorer areas. The violence actions between the government and the Islamic groups in Upper Egypt over 1995 amounted to 93% of the total of confrontations and the remaining 7% emerged in other three governorates.[57] Over the past years, Upper Egypt witnessed many tensions e.g. the Luxur massacre in 1997 against foreign tourists and the recurrent incidents in Al Koshh village. Such incidents which occurred on grounds of religious extremism can not be separated from the social context in which they have occurred. The violent Islamic groups are basically of the poor factions in society.[58] Moreover, the rates of violence were more horrible in the poorest areas in Upper Egypt. [59]

2- Unemployment:

Over the 1990s ad until today, unemployment was one of the major political trends. Despite the recurrent statements by the government that the facilitations provided for the private sector should create job opportunities that would assimilate the annual comers to the market. The 1990s witnessed a persistent increase in the unemployment rates (see the right to labor). It might be argued that the government contributed to intensifying the problem by privatizing the companies and factories of the public sector and drove hundreds of thousands of laborers to the queues of unemployment. Such was also the case with Law No. 96 of 1992 which added other hundreds of thousands of peasants to unemployment lengthy queues.

[54] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

[55] ibid,
[56] ibid,
[57] ibid,
[58] Al Ahram Institute for Political and Strategic Studies, the Religious Situation in Egypt, Cairo, 1996
[59] ibid,

Undoubtedly, the laborers of the poor class are more prone to getting unemployed due to their lack of means of nepotism and favoritism that would provide job opportunities for them. The case of a citizen named Abdel Hamid Sheta is a blatant example; he was excluded from the applicants to an occupation in the Ministry of Foreign Trade despite the fact that he passed all the examinations successfully, with the pretext that he is 'socially inappropriate' i.e. he was excluded from the job because he belongs to a poor family.[60] Unemployment and poverty are of the major reasons behind the low social status of citizens, leading to the spread of public depression. The rates of depressed persons reached 20% to 3% of the Egyptian people – a significant indication in this respect. The findings of a field study conducted on a sample of early retired persons indicated that the vast majority of the early retired suffer the deterioration of social status. [61](See the tables)

3- Family Status:

a. Marriage Rates:

Since the 1970s, marriage rates are deteriorating[62] due to the increase in the years of education and the increasing costs of marriage[63]; we would rather go for the second reason. This is because marriage rates are generally low among educated and illiterates. However, over the 1990s, it increased (in the crude rate of marriage which equals the number of cases of marriage among every 1000 people) as one of the solutions of the poor as the family consists one of the pillars of social security. This was also due to the policy of early retirement as most of the early retired have spent their remunerations covering the costs of the marriage of their offspring.[64] The marriage rates have increased in 18 governorates in the urban areas and started to increase in 13 others in the rural areas and decreased in 6 governorates and was generally higher in Lower Egypt than in Upper Egypt. [65]

b. Divorce rates:

[60] Sawt Al Omma Newspaper, Issue No. 161 on December 29, 2003, Cairo, 2003
[61] Social and Economic Effects of Early Retirment, Center for Studies and Research in the Labor University, Cairo, 2003
[62] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

[63] ibid,
[64] Social and Economic Effects of Early Retirment, Center for Studies and Research in the Labor University, Cairo, 2003
[65] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

Divorce rates have decreased in 17 governorates and increased in 8 others in the urban areas. They also rose in 7 governorates in the rural areas while decreased in 6 governorates only. The rise in the rates of divorce in areas that were known for their family integration in the countryside and Upper Egypt illustrates the increasing pressures and tensions which families face due to the severe economic situation which prevailed over the past years.[66]

4- Crime:

The increase in the rates of poverty and unemployment are of the most important reasons behind tensions, social problems and crimes. In addition to the few statements allowed by the Ministry of Interior about the rise in the rates of crime in Egypt, other information might be obtained through the press and researches. The following issues might be monitored:

a. Corruption:

The policies of structural adaptation begot results adverse to what was expected. While the state used to reiterate that the liberation of economy will be accompanied by political democracy based on transparency and informatics, it is notable that those in charge of the privatization programs are basically the Egyptian bureaucratic system that is based primarily on information blackout and political dictatorship – an atmosphere most suitable for the growth of corruption. Moreover, the increasing poverty and the lack of incentives to work also help in spreading corruption. The data included in the annual report of the Administrative Prosecution submitted to the President indicate a rise in the cases of corruption monitored over 2000/2001. The report recorded 63300 cases of corruption in 2000 and 64000 in 2001.[67] Besides, the 2001 report of the National Center for Criminal and Social Research pointed out that 1221 cases of embezzlement, waste of public property, bribe and personal gains were monitored.

One of the most famous cases which is still considered at courts until today was the case of importing cancerous pesticides in the Ministry of Agriculture, known as the case of "Youssif Abdel Rahman". The said man was holding 44 offices and his monthly income reached one million pounds.[68] He allowed the entrance of huge amounts of cancerous pesticides[69] which were tried and used in a number of governorates. It is clear how the state works and how it even protects corruption and the contradiction between its words and actions. Some members of the PA, all members of the National Democratic Party – the ruling party, were trialed in cases of corruption – known as "the Loans representative".[70] Such examples are very few as compared to reality. The exposition of

[66] ibid,
[67] Al Tagammu Party, the documents of the fifth public conference, Cairo, December, 2003
[68] ibid,
[69] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

[70] ibid,

such cases came as a means to cover up for bigger corruption and mostly political. The illicit practices make 11, 3% of the GDP.

b. Violence Crimes:

Murder ranked high in the perpetrated crimes as it makes 70% of the total of criminal cases that were recorded, 69, 8% in 1998, 65, 8% in 1999, 69, 2% in 2000 and it might be far more than that. Following to murder, comes the crime of battery that leads to death as they reached 14, 9% in 1998 and 18% in 1999, Assiut governorate came first in this crime – it is known for including the highest rates of poverty in Egypt. [71]

The same statements record a rise in the rates of the rape crime reaching 163 cases in 1993, 179 in 1994 and 203 in 1995. It started to decrease to be 21 cases in 1998 and 25 in 1999 to rise again in 2000 to reach 62 cases.

Generally, the crime of murder remains the most recurrent as it amounted to 25% of the total of crimes, then come the crimes of robbery, forgery, bribery and then rape. The crimes of attacking money and property constitute 3/5 of the total of crimes, the crimes of battery make 2/5 crimes of assembly and armed assault make 1, 6% and the crimes of violating the Intellectual Property Rights reached, 6%.

Crimes witnessed the indulgence of some social factions that used to be totally away from crime. Public officials are the most perpetrators of crimes, 23, 7% of criminals; they basically get indulged in crimes of corruption (embezzlement, bribery, personal gain, forgery, waste of public property). Next to them come the unemployed, 16, 55% and most of their crimes are murder then robbery and then rape. Laborers come in the third rank, 16, 5% most of their crimes are those of assembly and violating the Emergency law. Despite the fact that assembly, strike and peaceful means of expression are not crimes, the Egyptian Penal Code and the Emergency law criminalize such incidents. In the fourth rank come the businessmen, 14, 4%, examples of their crimes are: wasting public property, corking, forging official documents and currency and robbery. Crimes among students and academicians are less than 10%. It is a low percent, yet a dangerous indication that would spread among them crimes of forgery, robbery, murder, and rape. [72]

5- Social Values:

The violent changes in economy and social situations over the last decade resulted in deep changes of the set of social values. Violence intensified and many groups believed in it as a means to settle disputes, whether against the state and society in general or individuals. The crime of murder amounted to 25% of the total of crimes and reached 70% of the total of criminal cases over the 1990s.

Due to the huge pressures which the family undergoes, the value of respect of family life deteriorated. Rates of divorce increased in areas that were known for family integration.

[71] ibid,
[72] ibid,

Other values resulted from the state of societal corruption such as: default, individualism, lack of respect for the values of work. The documents of the Fifth General Conference of the Tagammu party record that 130 persons were either killed or injured in collapse of newly built buildings in the period from August 2001 to February 2002 i.e. within 7 months only, due to the dishonesty of contractors.[73] Moreover, the accident of the train which got on fire in its way to Upper Egypt, where the corpses of the victims were totally burned due to the inadequacy of the maintenance works, is another evidence of the spread of the negative values of carelessness.

The spread of such negative values increased with the state waiving its social role and leaving the way to the private sector which has failed for so long to achieve real development that would result in a real rise in income. Statements record a decrease in the actual income as follows: 4, 1% in 1999, 3, 9% in 2000, 1, 3% in 2001and, 9% in 2002. [74]

Due to the failure of the private sector to achieve a real development project that would assimilate the energies of people and defuse positive values, with the state neglecting its role, political, social and cultural vacancy lead to the spread of such negative values. In the field study included in the report on Comprehensive Development in Egypt 1999-2000, researchers reached a consensus that the private sector is responsible for the state of corruption prevailing in Egypt. It imports spoiled foods; businessmen flee with the public capital abroad and bribe people. It is also responsible for spreading the values of corruption and carelessness in addition to those who benefit from the corrupt officials.[75] Hereunder, some of the indications of changes in social values will be explored:

1- The Status of Women:

The status of women witnessed some improvement as women are granted the right to get themselves divorced, and to pass their Egyptian nationality to their children. Moreover, a ruling was passed defining the share of the husband in the wife's pension – one of the positive rulings for equality between men and women and for the benefit of all the members of the family of the revenues of their work. There was a tendency in the private sector to employ women.

However, due to certain cultural and economic situations, the status of women is still deteriorated. For instance, the private sector prefer to employ women as they are not ambitious and will be satisfied with what they get, unlike men who might work with the

[73] Al Tagammu Party, the documents of the fifth public conference, Cairo, December, 2003

[74] report on the Trends of the Egyptian Economy, US Embassy in Cairo, Cairo, 2003

[75] ibid,

rivals.[76] Moreover, illiteracy is spread more among women than among men. The Unified Labor Law, No. 12 of 2003 rendered women working in agriculture without protection. [77]

2. Respect for the Value of Work:

This value has deteriorated due to the incentives in the private sectors in the government and the public sector. Those working in the private sector lack the sense of assurance with the increase in the economic pressures. Work has turned from a social value into a necessity of life. [78]

3. Indulgence and Political Participation:

Values of belonging and political participation weakened due to the vulnerability of the political groups and the illegality of the actual political powers e.g. Left wing Marxism and the religious currents, in addition to the state of emergency since 1981 until now. Moreover, unemployment would not allow ant sense of belonging, an unemployed would belong to what or to whom? An example of such vulnerability can be illustrated in the offer of a youngster for a foreign embassy to work as an agent against Egypt for $250. [79]

4. Consumption:

The private sector is primarily concerned with defusing the values of consumption in society. Most of the income of the poor is dedicated to food, while the values of luxurious consumption prevail among the rich. The poor are always concerned about the prices of goods or getting showy before the rich. [80]

In consequence of the above mentioned, seclusion and individualism spread. Such values are the result of the vulnerability of the values of participation and integration in an alternative society. the value of individualism has not yet proved its positive aspects of competition and adventure that are imperative for the progress of the private sector.

[76] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

[77] Unified Labor Law, No. 120 of 2003

[78] Report on the Comprehensive Development in Egypt, 1999/2000, Center for Studies and Research of the Developing Countries, Egypt, Cairo, 2001

[79] ibid,

[80] ibid,

The Fourth Chapter: Evaluation for the important legalizations related with human rights issued throughout the last period

Throughout the last decade, many legalizations were issued. Most of these legalizations serve the social, economic and political concerns of the dominated social forces. We will show briefly the most important amendments of the Egyptian legalization:

First: the constitution

There is no change occurred in the constitution (constitution of A.R.E of 1971) in spite of the continuous demands of the political parties and forces for amending some articles in order to promote the political multiplicity and democracy begun in 1997. These articles are articles no. 76, 77 and 93 concerning election and period of presidency and the function of the People's Assembly to examine the correctness of the appealed membership after the investigation run by the impeachment court.

Sound: emergency law

The emergency law 162/1958 is still implemented since October 1981 and till the present. Moreover, the People's Assembly agreed its extension for May 2006 ignoring the demands of the political forces to delete the emergency state but the government alleges the existence of exceptional conditions that require the application of the law. Many reports and press campaigns deny the governmental allegations asserting the unconstitutionality of the implementation of emergency law (check LCHR's report entitled; emergency and democracy in Egypt – Oct 2003),

Third: laws concerned with the political rights

Law 40/1977 organizes the establishment of political parties. It gives the executive authority the validity to refuse establishing any political party through the decision of governmental committee of parties' affairs. There are other laws issued to organize the political life as law 84/1996 concerned with amending some regulations of local management law partial "voting through party list". This law remakes us of individual voting through local elections achieving the principle of equality of citizens before the law. But the law doesn't apply the urgent demands of political forces and human rights organizations concerning the amendment of the legal frame that organizes the political life.

On 15/4/2000, law 13/2000 is issued amending law 73/1956 concerning political rights, law 38/1932 concerning the People's Assembly and law 120/1980

concerning Shoura Council. The law changes paragraphs (2-3) of article no. 4 and articles no 34 – 36 of law 73/1965 by imposing the judicial supervision over voting in all sectional and general committees. Such amendments are a response for the demands of the civil society associations that is considered as a positive result but it lacks for applying complete judicial supervision along all elective process (preparation of lists, propaganda, elective conferences, connection with electors and equal usage of audio-visual media). On 27/8/2002, the Supreme Constitutional Court (SCC) issues an important principle concerning the positive dispute between function of the administrative court and the People's Assembly around arbitration in the membership of the People's Assembly. It asserts the implementation of the court sentence without the interference of the Assembly.

Fourth: laws about free expression and association

Law 95/1996 concerning amendment of some articles of penal codeabout publication crimes and law 96/1996 about press regulation are issued that is considered as great triumph for the journalists regarding their struggle against the bad reputed law 93/1995. The new laws comprise some positive articles that protect the available freedom of press but it is still incomplete with the existence of other negative sanctions that hinder the free press. Unfortunately, although the new amendments delete imprisoning the journalists in publication crimes, it except the permissibility to imprisonment of the journalist in the case of insulting the President that violate the equality principle in addition to the incrimination rules that condition implication of clear written statements in incrimination articles especially that the term insulting is rubbery that could be explained differently.

Law 3/1998 is issued amending paragraph (B), article no. 17 of law organizing the establishment of holding companies that conditions the acceptance of the ministries council for the establishment of any companies, whose activities comprise publishing newspapers.

Fifth: laws concerning child rights

Child law 12/1996 is issued unionising all laws that organize child rights. Although this law comprises some positive points as absence of criminal responsibility for less than 15 years old children in addition to exemption of juvenals (less than 18 years old) from specific sanctions, article no. 22 stipulates that the accused (more than 15 years old) in crimes examined by the criminal courts or supreme security state courts has to judged with no exemptions that violate article no. 40 of the constitution that stipulates the equality of citizens before the law. On 13/12/2002, the supreme constitutional court sentences with the constitutionality of child law concerning absence of criminal responsibility for less than 15 years old children.

Sixth: women laws

Then, law 81/1996 amends the third article of pleadings law to be matched with the changes occurred in law 3/1996 that stipulates that the lawsuits couldn't be filed with any anyone but the person, who has direct personal benefit.

Moreover, law 14/1999 deletes article no. 29 of the penal code that stipulates the exemption of punishing the kidnapper if he marries the kidnapped that protect women from facing many violations as rape.

Law 1/2000 that organizes the litigation procedures in the cases of personal affairs gives, for the first time, the woman the right to end her marital relationship with paying off all amounts that the husband pays. This law solves the problem of a lot of women whose husbands obstinate through divorce resulted in continuing divorce lawsuits under the court deliberation for many years that threatens the social balance of the Egyptian family.

Seventh: litigation procedures

Law 81/1996 amends civil pleadings law stipulating the necessary existence of direct personal benefit to file lawsuit. On 18/2/1998, law 6/1998 called law of vulgarity is issued alleging the protection of citizens' right in personal safety especially after the widespread of vulgar activities at that period of time. But the articles of this law are so general, e.g. article no 375 "repeated" sanctions one-year imprisonment against who threaten or scare others with hypothesizing non-usage of sharp tools or weapons.

The decision of the President 168/1998 amends the third paragraph of article no. 49 of the law of the supreme constitutional court that stipulates non-implementation of the sentence of the SCC but over the filed case with no impact on the impeached provisions. This law occurred great argument because it is considered as a step for decreasing the supervisory role of the supreme constitutional court achieving the government's intend to impose its control over the State's institutions. Since the establishment of the SCC in 1981, it sentences with the unconstitutionality of 121 legal provisions that comprise 476 constitutional violations (32 provisions in 1996/97) in addition to obliging the State's treasury to pay off the amounts collected under unconstitutional provision.

Eighth: the right in free-association

Throughout the nineties, many laws concerning the right in free-association are issued as law 100/1993 amended by law 5/1995 concerning democracy of vocational syndicates and law 12/1995 about labour syndicates. Those laws may destroy the associational independence of syndicates in addition to imposing the governmental interference in the activities of labour and vocational syndicates. About law 100/1993 that isn't presented before Shoura council (one of the two

legislative councils) that impacts negatively its constitutionality, comprises arbitrary interference of the legislative authority against the independence of the vocational syndicates. Moreover, the second, third, fourth, fifth, sixth “repeated” and ninth articles violate some articles of the Egyptian constitution as articles no. 194, 172, 65, 64, 62, 56, 40 and 8.

About law 35/1976 amended by law 1/1981 amended by law 12/1995 concerning the activities of labour syndicates, it violates the article no. 3 of the constitution. It stipulates the pyramidal corporative structure and the unity of the corporative movement through one union for all syndicates that deprives labourers their right in establishing their own syndicates. Moreover, article no. 23 that gives the labourer on pension the right to keep his corporative membership by paying the regular subscription, lead to existence huge numbers of corporative leaders (160 one), who are on pension.

There are many laws about the civil associations as law 153/1999 considered as a chock for all associations sentenced with its unconstitutionality in 2002. Then, the government issues law 84/2002 undersigned by the President in June 2002. This law comprises the same unconstitutional restrictions that hinder the right in establishing civil associations.

Ninth: social and economic laws

Throughout the nineties, the government issues many social and economic laws that impact the people’s lives in Egypt. It express the State’s withdrawal from its roles represented in guaranteeing social and economic citizens’ rights in Egypt, e.g.

- Law 203/1991 that organizes the process of selling companies and factories of the public sector impacts negatively the conditions of hundreds thousands of Egyptian labourers in addition to violating their rights in fair wage and adequate work.
- Law 96/1992 that ends the renting contracts of the arable lands in addition to submitting it under the civil law evicts 904.000 tenants from their plots.
- Law 4/1996 that submits renting contracts of residential and non-residential places under the civil law increasing the rental value with 30%.
- Law 8/1997 about investment guarantees that gives great facilities to businessmen.
- Law 12/2003 (unified labour law) that deteriorates labourers’ rights.
- Law 88/2003 that gives the businessmen great guarantees through which they don’t pay off the amounts loaned from the Egyptian banks.

All these laws impact negatively social and economic rights of farmers and labourers in Egypt as the report will review.

The Fifth Chapter: Land and farmers in Egypt

"Absent safe possession"

Introduction:

The rural inhabitants are usually ignored although they comprise tens millions of poor and marginalized persons, whose numbers are increased with the virtue of laws' implementations, natural catastrophes, land privatization, forests' destruction and widening in the commercial agriculture. Rapidly, great part of the rural land is isolated to comprise poverty, resources falldown in addition to depriving farmers from land possession. It is not acceptable that the food producers (agrarian laborers) are the poorest categories in the community that enjoy with fewer opportunities for the nutritional safety.

Therefore, many conferences oblige the governments to guarantee the rights of the poor farmers in food and safe land possession in addition to achieving fair distribution of the agricultural and commercial possession in order to improve their living conditions, develop their capacities and resources and activate them to participate in policies making.

These conferences assert the protection of the farmers' right in safe land possession that improve their conditions and promote the rural development. The poor groups in the countryside have nothing but excess usage of land in order to feed their families because of their poverty, absence of credit services, unsafe land possession, non-compensation throughout the occurrence of the natural catastrophes, non-education and weak participation in decision making. We couldn't blame the poor farmers because they threaten their natural resource because they do such violations for survive. Therefore, by securing the safe land possession, we will protect our resources and guaranteeing the humanity future of food. It is a necessity for the life continuity and the protection of the poor farmers affected negatively by the economical policies.

Governments ask for promoting the fair development and protecting the natural resources. Many studies all over the world assert that there is a conversed relation between the cultivated area and its production. Moreover, the big farms condense its production in order to achieve more profits, press the land, evict the laborers, use the machinery because of its few cost and make use of the chemicals that impact negatively the healthy and clean food. The small farm managed by the family protects both the natural resources and farmers' lives.

Through the International Conference for Land Reform and Rural Development organized by FAO in 1979, the governments asserted the necessity to guarantee land possession of farmers in order to destroy the poverty and protect the resources. Throughout Land Summit held in Rio in 1992 and the International Summit for Food held in Roma in 1996, the governments and the international organizations called for protecting the rights of the rural poor in addition to the

other agricultural productive needs. They asserted that development couldn't be achieved without safe land possession. The conferences of FAO and UN as Stockholm Conference in 1972 assert that the governments have to promote the rights of the rural poor by implementing alternative legalization and policies that improve their conditions and incomes. Moreover, the governments have to create methodologies for the rural development in order to protect the land and the natural resources. It may be accompanied with fair distribution of the wealth and activating the rural poor to participate in planning the public social and economical policies.

Safe land possession in Egypt:

The experiment of agricultural reformation in Egypt contradicts with all UN conferences related to safe possession of land and the right to have access to land. This experiment that led to the implementation of law no. 96 of 1992 that expelled a big number of farmers from the arable lands and violated the right of farmers to a safe possession of land. Implementing of that law turned arable lands into consumption goods whose owner may rent for one year, one agricultural season or one third or half a year with a high rent value. Accordingly, farmers lost the feeling of a safe possession of land and lost access to bank loans as well as access to a better land management. Farmers stopped caring for the land and think only of getting the utmost out of it.

Protection of the right to a safe possession of land requires changing law 96/1992 so that it determines five years as a minimum for land tenure. Law must also determine a minimum and a maximum for tenure value according to the net profits of one feden of arable lands in Egypt. Studies assured that the net profits of best quality lands do not exceed 1500 pounds. The new law must guarantee access to credit for farmers with an interest rate that does not exceed 4%, as it is a civil not a commercial interest.

Law must also guarantee farmers' participation in determining the policies related to farming and to their lands. Farmers should be motivated to establish their own associations. In the meanwhile, the governmental control over the agrarian associations should be stopped in order to support farmers in a fair way not for the sake of trade. The law must also include guarantees to compensate farmers in case of any natural disasters.

This report will try to reveal the impacts of the implementation of new agrarian policies on farmers' rights and increasing violence in the countryside.

Land reform policies in Egypt:

This process was begun earlier than other reform programs in 1987. it comprised liberalization of crops' price and free marketing especially concerning some crops(as wheat and peanuts) that was applied for obligatory supply and costing.

Through the nineties, the liberalization procedures were applied over other crops. Then it was the support deletion of cultivation staff as seeds, pesticides and fertilizers accompanied by liberalizing farmers from the agrarian cycle.

In 1992, land law no. 96 of 1992 was issued through which the agrarian land was liberalized. The law determined the five-year transitional period (ended in 1997) after which tenants returned the arable land to its original owners. Those poor tenants rented these plots along forty years with fixed rental determined by the law (7 times of the tax / about 100 LE) since the issuance of law 157 of 1952. According to the new law no. 96 of 1992, the rental increased to reach 22 times of the tax (about 600 LE). In 1997, determining the rental of the arable land was left to the owners through which the rental of one feden reached 2000 LE.

How was land law implemented?

The implementation of the law was accompanied by violent activities committed by the State institutions against the tenants. Such violence is continued until the end of 2003. Throughout 1997, there were about 100 murdered, 1000 injured and more than 1000 arrested. In 1998-99, violent activities led to 87 killed, 545 injured and 798 arrested. Land Center for Human Rights succeeded in documenting strong evidences that proved that violence committed against farmers was applied by the State institutions as a guarantee for the implementation of the law. From 1992 to 1998, farmers and some social forces organized some protests that pushed the security forces to arrest and torture some farmers, who were arrested randomly. Some of those farmers filed lawsuits in addition to appealing the unconstitutionality of law no. 96 of 1992 before the Supreme Constitutional Court in order to receive their rights. Unfortunately, there is no sentence issued concerning this impeachment although it was presented five years ago.

According to farmers' protests against some officials, local institutions in different provinces, the State authorities made use of violating farmers' rights by torturing, eating, threatening, illegal arresting that reveals obviously how the poor always pay the bill of the deterioration of civil and political conditions. Consequently, the way of law implementation emphasizes on the close relation between civil, social and economic human rights.

Through the implementation of the law, new aspects of violence encouraged and sponsored by the State through disputes between rich people and poor farmers in villages were emerged. In some rural areas, large-scale owners colluded with police forces to violate farmers' rights (hiring some armed vagrants to frighten, beat and oblige farmers to leave their lands without any compensations). It seems that land reform is used for promoting benefits of large-scale owners without any concern with tenants' rights in Egypt. Many reports that monitored the process of law implementation assert that farmers' rights in safety, dignity and humane treatment are easily violated in addition to hindering their rights in

bonding and establishing associations that may improve their social and economic conditions.

The relation between land and farmers in Egypt:

Land law no. 96 of 1992 deleted the most two important pros of the previous law no. 157 of 1952 issued through the Naserian governance that were:

- Determining the rental value (7 times of the tax)
- Disability to evict tenants from their rented lands

Accordingly, new (non-cash) rental relations are merged as renting with crop, quarter and others that turn farmers to be slaves cultivating the land that isn't sufficient for satisfying their main needs.

This problem isn't limited to small number of tenants only that if we examine the data of agrarian * issued per ten years by the ministry of agriculture, we will discover that the tenants are harmed by the implementation of law 96/1992 are estimated with 904.000 one (30% of farmers in Egypt). Those tenants were responsible for cultivating about 1.488.000 feden, while; total arable land was estimated with five million feden (Wade and Delta) in addition to new reclaimed land estimated with two million feden. Therefore, the rights of the 904.000 tenants and their families estimated with 5.3 million families in social safety and work are violated especially after losing their sole income. Those tenants are evicted from their plots without receiving any compensation for their lands and houses. Article no. 33 of law 96/1992 alleges delivering alternative lands in the desert to the evicted tenants but nothing is achieved in the reality. Moreover, the law isn't concerned with compensating tenants for their houses, buildings and fixed machines that they establish throughout the renting period. Moreover, the law violates all constitutional regulations that condition providing the million tenants and their families with alternatives guaranteeing their social safety. The law isn't concerned with the public benefits, law message to secure stability and equality.

The impacts of the implementation of reform policies on farmers and agriculture:

Now … after six years for evicting tenants from their plots, we wonder, DO REFORM POLICIES ACHIEVE MORE DEVELOPMENT AND PROTECT FRAMERS' RIGHTS??!

The government aims with the implementation of law 96/1992 to increase the centrality of land possession in the countryside through which rich owners could apply more developed means in cultivation in their vast plots through which Egypt could increase its agrarian production and participate in the international market. On the contrary, the large-scale owners re-rent their lands with higher rental without contracts by which the owner could abuse the tenants freely.

Therefore, the conditions grow worse after the implementation of land law that formal tenants are turned to be informal tenants, who become less concerned with the land especially under the new law through which they work harder without stability or sufficient income. Moreover, loans that were an important credit source become very limited after law implantation. Besides, the law impacts negatively the self- satisfaction on meat and milk production in the countryside. Tenants and small-scale owners are obliged to sell their cattle because they could afford breeding expenses. On the other hand, large-scale owners don't think of the economic importance of such activity. Consequently, the current Egyptian agricultural production couldn't only compete in the international market but also it couldn't satisfy the local needs. E.g. the cotton-cultivated area is decreased from 1.180.000 feden in the beginning of nineties to 830.000 feden only in 2000 (reports of ministry of agriculture). Moreover, the crops quality is impacted negatively that the reports of the ministry of agriculture assert that in 2000 about 60.000 feden are attacked by pests in the provinces of el Behira, Kafer el Sheik, el Sharkeya, el Gharbeya, Damyta, Beni Swief, Sohag and el Menia. The provinces' reports mention to the decrease of cotton-cultivated area in Dakahlya province from 45.000 feden in 1999 to only 9 feden in addition to cotton worm attack for 30.000 feden in Beni Swief province. The collapse of cotton harvest is a result for the feeble seeds and pesticides that the ministry of agriculture distributes.

On the other hand, although sugar covered about 75% of local production in 2000, the Egyptian market was sunk with tons of imported sugar. About the export of the agrarian productions, it decreased from 418 millions Egyptian pounds in 1980 to 109.000 million in 1998. On the other hand, the import of crops, it increased from 1.2 billion Egyptian pounds in 1980 to 11 billions in 1998. About exporting fruit and vegetables that the European markets interest in, while Egypt produced 21 million tons of thee crops in 1998, it couldn't export but 5% only. Generally, the growth ratio in the agrarian field in 1990- 2000 is less than in the period 1980-1987.

According to the last statistics around the growth in the agrarian field (1994-1998), it was so few, e.g. the increase percentage in the cultivated area for some crops was sugar cane (4.7%), wheat (14.7), winter vegetables (14.8%), summer vegetables (9.4%), Nile vegetables (2.7%) and corn (20%). On the other hand, the percentage of self-satisfaction of some crops decreased as follows; wheat (1991-1997) from 48.2% to 41%, citrus from 105.2% to 102.6% and fruit from 100.2% to 99.5% while this percentage increased in rice from 106.1% to 106.8% and vegetables from 100.6% to 101.2%. Concerning self-satisfaction of red meat "1991-1997", it decreased from 89.5% to 79.2% in addition to the decrease of production of vegetable oils and artificial fat from 77.9% to 35.5%. According to these indicators, we can notice that export is an illusion believed only by the government and the responsible of land reform programs in Egypt.
The second part of the governmental strategies concerning the new policies is desert reclamation through which the government alleges compensating tenants

and small-scale farmers impacted negatively by the implementation of law 96/1992. On the contrary, if we follow up the development of the reclaimed areas throughout 1952-1998, we will notice that

- Increased in 1952-1968 with 1278.000 feden
- Decreased in 1968-1971 to reach 87.100 feden
- Increased in 1971-1995 to reach 1,620.400 feden
- Decreased in 1995-96 to reach 57.000

If we review the tragic scene of the governmental practices violating farmers' rights represented in liberalization of the agrarian staff, increase of loans' interests, complete fogging through the implementation of law 96/1992, in addition to the deteriorated developmental conditions in the countryside (absence of infrastructure services as drinking water, sewerage and healthcare), we will find the Egyptian farmer living throughout the worst situation, whose ancestors haven't suffer from since the middle centuries. The poor farmers face unjustified violence committed by the State institutions and large-scale owners. Those tenants, who used to guarantee work opportunity in their land for their kids and them through which they get sufficient food and adequate income through crops that they cultivate and cattle that they breed, are suddenly deprived from all their historical rights. According to the implementation of land law, more than one billion Egyptian pound from the annual tenants' income was seized (the difference of rental value before and after law implementation) that obliged the farmers to work as daily labourers in the agriculturalal or constructive field under hard work conditions without any rights.

About the governmental promises about giving evicted tenants alternative lands in the desert, the few number of farmers, who succeed in receiving these lands, discovers the trickiness of these promises. That only 12664 farmers of 904.000 receive alternative lands that the government alleges the farmers' delay or even refusal through the process of presenting their papers to receive the compensations. Unfortunately, the government applies the same fogging through the compensation issue that many farmers don't know any information about the time or place of presenting papers, moreover, some farmers think that working in others lands might be better than cultivating desert land with no money or facilities especially that these lands are lack for the infrastructure projects as water, sewerage, housing or means of transportation. Moreover, tenants, who receive the governmental lands in some areas as Sahel el Husannia don't enjoy with any governmental protection especially that their possession aren't determined that pushes them to face threats of possession allegers.

About the lands of the different governmental institutions as reform institution and religious endowment authority, farmers in many villages suffer from vulgarity of governmental institutions, possession allegers and police forces. These institutions always insist on evicting farmers from their plots even if they have the documents that prove their right in the continuity of land cultivation especially that the law gives the institutions, possession allegers the validity to not only evict

farmers from their plots but also from their houses without any compensations. Therefore, the police crawler tractors invade farmers' houses along the day destructing the dream of these categories in safety.

The government, through its violent practices especially after the implementation of land reform policies, doesn't deprive those farmers from their right in life only, but it contributes to frustration of the claimed reform policies. if we pay no attention for the deteriorated living conditions of farmers, increase of unemployment, suppressed violence that couldn't be solved by the policy of irony domination and increase of lag, disease, poverty and stagnancy, we have to be concerned with the governmental disregarding for the farmers' experience in land cultivation that lead to the governmental failure through its implementation of land reform and rural development.

Evaluation of agrarian policies in Egypt and its impacts on food:

From 1997 to 2001, the unfavourable balance of food in Egypt was great (the Egyptian food imports was six –times more than the exports). According to International Food and Agricultural Organization, the unfavourable balance of food in Egypt in 2001 reached two billion dollar estimated with 126.1% while the total of food exports reached four million dollar. About the self-satisfaction of food products that the government aimed by the implementation of economic reform policies in the agricultural sector, throughout the last five years, the agrarian policies failed to achieve adequate levels of self-satisfaction in many of the strategic crops. In the last centuries, Egypt used to achieve suitable percentage of self-satisfaction but by the beginning of the seventies (economic liberalization), this portion is deteriorated especially concerning some crops as wheat, sugar cane and beans. Although the percentage of self-satisfaction of wheat increased from 31% in 1988 to 42% in 1992 to 54% in 2002, it is not expected any other increase throughout the coming years especially that this percentage is varied between 50-54% throughout the last five years. About the percentage of self-satisfaction of beans in general (wheat, corn, rice and hey) and food products, it decreased throughout the last five years as follows:

Crop	1988	2002
Corn	**79%**	**73%**
Hey	**85%**	**64%**
Vegetable oil	**27%**	**26.4%**
Sugar	**62%**	**60.8%**

About the percentage of self-satisfaction of red meat, it decreased from 78% in 1990 to 65% in 2002. Therefore, we can say that the current agricultural policies (implemented throughout the last five years) failed to satisfy the local market with the necessary food products that increases the prices of important local food burdening the simple Egyptian citizen. On the contrary, the current international prices of food products are decreased comparing with the prices in 1995. According

to the data of the World Bank, the international prices of food is decreased with 17.1% through the end of 2003 comparing with the prices in 1995. The same decrease is occurred for some food products throughout the same period as follows (beans (22%), vegetable oils (10%), sugar (40%) and fish (48%). Accordingly, we can notice the allegation of the Egyptian governmental policies that justify the increase of prices to the increase in the international markets. We think that the deteriorated conditions will be continued with the continuity of the implementation of these policies.

Direct impacts of law implementation:

The implementation of law 96/1992 increases the tenants' impoverishment, the deterioration of their living conditions and violence in addition to violating civil, social and economic conditions of the small-scale owners. The most effective impacts are:

- Appearance of disputes around eviction from the land and land possession, for example, disputes over lands of religious endowment and land reform authorities. Besides, disputes for houses build in agrarian lands owned by individuals or the State institutions. There are other aspects of violence resulted by the poverty as murdering, steeling of debts and cattle.
- Increase of the rental value of the arable land (13 times). Before issuance of law 96/1992, the rental determined with 7 times of the tax (not more than LE 150 for feden per year). From 1992 to 1997, the rental value reaches 22 times of the tax (LE 600 for feden per year). After 1997, the rental reaches LE 2000. Accordingly, the tenants' losses per year reach two billion Egyptian pounds.
- Violation of safety of land possession that after the farmers used to cultivate the land without any abuse committed by the owners, he is easily evicted from his plot even before harvesting his crops because of absence of registered renting contracts that leads for more social violence.
- Deprivation farmers from credit resources especially after the refusal of developing and agricultural credit bank to present any loans for tenants. Moreover, small-scale tenants face forced procedures as detention or imprisonment because of their disability to pay ff their debts increased and forged according to ignorance and illiteracy of those poor farmers. E.g. the farmer, who loaned LE 20.000 before the law, paid about LE 60.000 until 2003 and he has to pay the rest of his loan estimated with LE 55.000.
- Emerging new aspects of abusing poor farmers as share-cultivation.
- Increasing the prices of the agricultural staff that impact negatively the income of tenants and small-scale farmers.

- Most of small-scale tenants become without lands that pushes them to work as daily agrarian labourers, who have no legal guarantees, social insurance and vocational safety, etc.
- Violating farmers' rights in housing that they are evicted forcedly from their houses attached with the land.
- The tenants that receive alternative lands as compensations (about 20.000 farmers of the total of 904.000) face a lot of problems because of their limited resources.
- Some of the victims of land law are women, who used to cultivate the land after their husbands' death. Those women don't register themselves as landowners so they aren't compensated after law implementation.
- Tenants face many violations especially with the absent role of the agrarian labourers union, which comprise 10% only of agrarian labourers. This union has no role but collecting subscriptions. Therefore, those poor categories are in need for new farmer associations that are independent and present services for free.
- Some governmental offices for social safety (as el Shrouk and social support projects) stop supporting tenants and small-scale farmers.

Recommendations:

Solving farmers' problems in the rural Egypt requires achieving alternative studies with believing in the role and rights of farmers to create our future. We are in need for new policies that achieve social and political balance between all categories and redistribute wealth, income and participation. These policies have to be concerned with:

- Promoting farmers' rights in safe possession by determining the period of renting contracts (not less than five years) and rental values that codes with net profits of cultivation process (not more than LE 1000 per year).
- Deleting all not-cash renting relations between tenants and owners.
- Possessing farmers State' lands with small interest (not more than 4%).
- Giving more consideration with projects of irrigation, underground water and cleaning canals.
- Deleting debts of the evicted tenants for developing and agricultural credit bank in addition to restudying debts of small-scale owners (that own less five feden) to be paid through long-term comptes that match with their incomes.
- Loaning farmers and tenants by the bank with annual interest that isn't more than 4%.
- Putting clear plans and suitable budgets for solving housing, educational and health problems of farmers.

1- Definition of the right to education:

With the aggravating technological advances, the necessity of education increases in societies that look for development and prosperity for its people. The international conventions, starting from the International Declaration for Human Rights undersigned in 1984 and the International Convention on Economic, Social and Cultural Rights undersigned in 1966 till now, state the right to education as one of the major paragraphs in them. In the International Declaration of Human Rights (1948), education comes as a basic right that the state should provide for people without any social, substancial, or environmental constraints that hinder people from gaining more knowledge and cognition. The International Convention on Economic, Social and Cultural Rights devoted paragraphs no. 13, 14 and 15 to the right of education. Paragraph 13 states the following:

Undersigning countries confess the right of each individual to education. Those countries agree to the necessity of directing of education to the full development of human personality, to the feeling of dignity and to the empowering and respecting of basic freedoms.

The undersigning countries confess in this convention that the guarantee for a complete practice of this right requires:

Making the basic education compulsory and free for all.

Generalising of secondary education in all fields such as the technical and vocational education.

Providing of high education equally for all and the gradual implementation of free education.

Ecouraging of the basic education and condensing it as much as possible for the illiterate.

Working actively on extending the schools network for all levels and improving the financial positions for teachers.

Undersigning countries are committed to respect freedom of opinion and choice when parents decide to send their kids to non-governmental schoolsd under the condition that those schoolsfollow the minimum caliberations decided by the state.

No part of this paragraph can be interpreted inh a way that leads to affecting the freedom of individuals or authorities to establish and manage pedagogic organisations under the condition that those organisations will always follow the principles stated in part one of this pargraph and the minimum standards imposed by the state.

Paragraph fourteen of the convention imposes the same conditions on the countries that join this convention later on, especially those conditions related to the providing of compulsory education and to developing of plans to achieve that in a few years. In the fifteenth paragraph, the convention states the right of each individual to participate in the cultural life and to enjoy the advantages of scientific developments and their applications. The International Convention on the Civil and Political Rights (1966), as well as the workplan agreed upon by the UN (November 1973) to combat racial discrimination and inhumane punishments (1970), the minimum standards of treating prisoners and the behaviour of the personnel asssigned to execute law (1975) and all other treaties handled education as a basic human right that should not be touched. In this regard, we can specially cite the convention on child rights (1990) and its paragraphs no. 28 and 29.

Egyptian constitution as well contained several texts that assure basic human rights, including education and assured also the necessity of equalising all citizens when providing this right. Paragraph no. 18 in the constitution states that:

"Education is a right provided by the state and it is compulsory in its initial phase and the state works on extending the compulsion to other phases. The state supervises all education and provides independence for universities and scientific research centres in order to achieve linking between society needs and production."

Main contents of the right to education:

These contents are stated in detail in the International Convention on Economic, Social and Cultural Rights, the Convention on Child Rights and the Egyptian constitution as follows:

Compulsory and free initial education

Public secondary and high education

Concern for basic upbringing and obliteration of illiteracy

Concern for education buildings, making a scholar net and improving the positions of teachers and school managerial staff

Concern for parents' desire to get their children to join private schools

Integrated pedagogic content for a full growth of human personality and dignity and for developing a respect for human rights and basic freedoms

Providing of independency for scientific researches and universities in order to meet the needs of the society

Increasing the concern for environment

In October 1993, ministry of education issued a report to determine the state's vision of education and the policies that will be implemented to fulfil

this vision. The report talked about the necessity of joining information and technology revolution and about implementing the outputs of the psychological scienceswithoput putting more burdens on Egyptian families as education is an issue of national security for Egypt not a service that is only presented to well off people. Then the report handled education as an investment activity in a way that contradicts with the previous statements.
With the implementation of structural adjustment policies and the gradual withdrawal of the government from its social responsibilities, education in Egypt began to suffer lots of problems, some of which existed since the seventies, such as big numbers in classes and low salaries of teachers.

2- Education expenditures in Egypt:

The state tried to develop some solutions but they were weak solutions due to low expenditures in spite of the foreign financial support, especially from World Bank. Education budget represented 4.5% of national production between 1985 and 1987, 4.8% in 1995-1997 and 3.7% in 1990. It means that the increase in education budget was about .3% on average in ten years.
Share of Education in governmental expenditures in the fiscal year 2003-2004 was 14.55% (about 23 milliard pounds) which is less than the share in 1995-1997 which was 14.9%. In spite of doubling education budget many times during the past twenty years, continuous decreases in the value of the national currency eat up most of these increases in education expenditures as the national currency lost more than 40% of its value in the last five years and more than 60% in the last ten years. Considering this fact, we will find out that actual expenditures are decreasing not increasing.
Individual annual share in education expenditures was accordingly affected. It reached 137.5 dollars, which is a low share compared to other Arab and non-Arab developing countries such as Morocco, Lebanon and Turky. The individual share in studying period became 3 years which is also a very low number compared to other developing countries such as Jordan (5 years) and Israel (10.2 years). The problem gets more apparent when we know that the number of schools that were supposed to be built in the period from 1992 to 2002 in order to end density problems is 19,947 schools. Only 8,264 schools were built leading to a density rate of 45 students per class and 20 students for every teacher, while globally accepted rates are 1:35 and 1:12 respectively. Moreover, weak budgets are badly managed as 48% of total workers in the ministry of education are in the managerial staff and that severely affects the expenditures.

3- Containing rates:

Available places in schools were of course impacted by weak education budgets. There is of course an increase in containing rates in the last ten years, but this increase is still less than the ideal rate of 100%. An evidence is that the schools built till 2002 did not reach half of the targeted number. Another evidence is the continuous annual increase in the number of the illiterate. Numbers about containing are generally contradicted. Ministry of planning for example talk about a containing rate of 96.7% in 1992, while the minister of education, in a speech to Al-Ahram newspaper on August 23rd 1992, states that containing rate is 80% or less. Dr. Hassan Nafaa' stated, in the same newspaper on October 3rd 1992, that the rate does not exceed 77% at its best leading to the horrible rate of illiteracy of 33.7% among males in 2000. Hussein Kamel, minister of education, stated that the previous rate of illiteracy does not include escaping from education which is about 20-25% in the initial phase. By adding escapers from education, the rate becomes 54-57% and that indicates the actual rate of containing.

4- Equal opportunities in education:

It is a very important principle that determines the degree of fairness in geographical and social distribution of education inputs.

We can notice remarkable differences between provinces of the republic that represent a big gab in the principle of equal opportunities. There is for example one school for every 3000 citizens in the province of Cairo, while the proportion reaches 1:363. Average density is 45 students for each class in Cairo, 22 in the province of Al-Wady Al-Gadeed. There is 1.74 teacher for every class in Cairo and 2.64 in Dameitta. Salaries consume about 90% of total expenditures giving so little for other aspects.

70% of children of poor families escape from education and about 20% of them do not go to school at all. That was reflected on the geographic and social distribution of illiteracy which reaches 19.4% in the province of Alexandria and in the same time it reaches 56.2% in Fayoum. We can find inequality in the difference between illiteracy rates among males (33.4%) and females (56.2%). Containing rates witness a remarkable gab between northern provinces (90% in initial and preparatory education) and southern ones (86.6%). This containing rate in the southern provinces decreases a lot in higher education phases (secondary education) and becomes 65% indicating a high rate of escaping. Containing rate in the secondary education reach 50% in most rural cities, but it comes down to 35.1% in one of the suburbs of Sohag, which is a rural province.

The same difference between containing rates in initial and secondary education can be cited for females. In the province of Menya for example, the rate is 63.5% and falls to 44.5% in the secondary education.
Inequal opportunities is also reflected in the difference in illiteracy rates between cities, villages and discrete areas. It is for example 12.6% in the city of Sadat in the province of menoufia, 89.3% in the village of Koam ayad in the same province.
Thus, and in spite of all the speeches about raising the expenditures on education and higher containing rates and lower illiteracy rates, there is a big gab in distribution of efforts and resources. More concern is given to cities, urban provinces and rich people on the expense of the poor living in rural discrete areas. This inequality forms a big hindrance before development and reflects a poor vision of integrated education or a point of view that depends on market policies leaving education to private investment regardless the social role of the state. This fact is very clear in universities where the rich can learn in the specialisation they want while the poor withdraw.

5- Scholar buildings:

The position of scholar buildings at the beginning of the nineties was very bad according to the reports of the ministry of education. The encyclopedia of the specialised national councils referred to the fact that 1063 schools representing 7.7% of total schools are sbject to collapse. 6316 schools (35.9%) do not have an independent building and students attend in a second and third periods in other schools. Schools working according to the period system are 11485 (65.3%). Then came the earthquake in October 1992 to leave a great effect. 3677 schools need repairments, 2544 need a big replacement and 1343 need a complete replacement. It should be mentioned that the ministry of education manages about 65% of total schools that were 33880 in 2002 while Al-Azhar manages 25.1% and the private sector 9.9% reflecting weak private investments in education.
23.8% of schools cannot be used properly as they are either may collapse or have no infrastructure. Not a small number of schools used play grounds to build more classes leading to more escaping from education according to a study by Mohammad Fawzy Zeidan in the faculty of education in Sohag university.
In spite of all that, there are some achievements that we should mention such as putting more than 21 thousand schools on the internet, in addition to building a database for more than 22 thousand schools, 18 million students and 4.1 million workers in the course of joining international labour and information market. There are also some steps, though small and slow, towards improving the quality

of scholar buildings and caring for their cleanness and adding computer studying to them, but all these steps must be doubled and well managed with a special attention for the required number of schools to be built.

6- Role of the private sector:

When the state ignored its social role. It alleged that the private sector can drive development more effectively. The door was openned for investment in education. Since the beginning of this attitude in the seventies till now, numbers show that the contribution of the private sector in education is still weak and is mainly characterised by commercial views. In 2000-2001 contribution of the private sector was 30% in kids gardens, 9% in basic education, 22% of secondary education, 1% of industrial education and 23% of commerce education.

Domestic activities concentrate basically on religious education. We can find for example that the number of schools in the province of menoufia is 1500, while the number of religious schools is 3570 which are mostly built using donations from the gulf countries, especially from Saudi Arabia. There are also 321 bureaus for Quran studying and one mosque for every 700 citizens and one non-religious school for every 800 citizens.

Grants given to Egypt in the field of education contain conditions that make them look like paid commercial advertisments. The American grant for basic education for example put a condition that Egypt must declare properly the grant and the project as a programme financed by USA and all the goods and services of the project must be of an American origin and must be shipped on American ships and must be labeled with signs that declare the origin country. Thus, in the school of Busha in the province of Dakahlia (one of the schools built by an American grant), the declaration is put in the following places:

1- on the main gate of the school
2- on the first class of each store where students can see daily while heading to their classes
3- on every tool or machine used by the students

This information is taken from a field visit by Dr. Salah Ed-Deen El-Metwally published in his book “Egyptian education and foreign loans” in the series of “Al-Ahram Al-Ektisady”, volume 98, June 1995.

7-Feeless education:

Free and compulsory education is one of the basic principles stated by the republic, but low expenditures on education that give each student the share of 137 dollars make it funny to talk about free education. When World Bank determines minimum costs of a scholar year to be 500 dollars for one student, it means that families carry an annual burden of 363 dollars on average. Reports of the World Bank say that this rate of expenditures does

not make any development. It just turns the person to a literate citizen, but not an educated one. Then the state began to ignore its social role and stopped building new schools replacing that with working for two or three periods in each school and increasing class density that reached 74 on average in the beginning of the nineties.

Accordingly, a severe backwardness occurred in the educational level and in all substancial conditions for education leading to an aggravating need for private lessons. Before structural adjustment policies, the poor were not able to give full education to their children because they cannot ignore the income those children can gain if they worked instead of going to school. Now it must be getting even worse after the gradual decaying of free education which the World Bank cites as:

1- cancelling of payment for basic education
2- popularising the principle of paying for academic education
3- improving the budgets of basic education using the resources devoted for academic education
4- implementing more accurate measures of choosing students for secondary education

Although World Bank works on achieving a completely feeless basic education, it closes the door before the poor who want to go to university and in spite of the speeches about less free education and not completely paid education, the actual situation of bad education indicates the reverse and gradually hopes of the poor will become having just a few places in a real education.

8- Education and culture:

The cultural role of education is based on the full growth of the personality of the students in a way that guarantees the feeling of dignity and respect for human rights and basic freedoms. Education should lead to the empowering of individuals to practice a useful role in its society on the basis of understanding and tolerance. Education, in order to be able to carry out that role, must take several forms such as motivating students to search for knowledge and its tools and interacting with them.

The report on human development for the year 1998 assures the fact that interacting with knowledge resopurces in Egypt is bad. Number of T.Vs is 126 for every 1000, newspapers are 60 for every 1000, books are 5 for every 1000 and net surfers are .4% for every 1000.

Numbers may not be reflecting the actual image, but education system in Egypt assures these numbers. In spite of the variable types of education in Egypt (governmental, religious, private, language and foreign schools), all

these types concentrate on the concept of passing the exam which measures only the amount of information and not the amount of knowledge. In order to succeed in passing the exam, scholar book must be the sole source of information and the teacher the sole owner of this source. Minister of education keep saying all the time that he is against this concept and that exams now and since the nineties measure the innovative and thinking abilities, but high density, low expenditures, improper training for teachers and the way the scholar book itself is prepared wastes any trials to develop the personality of students. Another obstacle is the political role of the school represented in ideological mobilisation as the pictures of the president are everywhere and subjects such as history concentrates on the acheivements of the current reign.

In the beginning of the seventies, the state began to adopt the attitude of the market economy and scholar books became full of values that ignore sceince and variety of knowledge. Education now works on spreading the values of obeyment and ideality and preserving the current traditional thoughts. Minister of education himself sent a notification to the managerial staff in all the republic areas after the earthquake in 1992 ordering them to tellthe students that the earthquake is an exam from god to Egypt and it is not because god is angry from Egypt as some people say and the timing proves that as it took place in the afternoon when crowding is less in schools and work places. So, god loves Egypt.

It is a comolete isolation of reality and science. Yes, preserving the identity is one of the functions of education and also reacting with others is important, but the educational system and mentality of those who are responsible for education, as well as searching for profits and exams that depend on fixed patterns of questions and answers, all these and other elements have negative impacts on the cultural role of education.

9- Education and labour market:

Linking education to labour market is one of the development elements. Without that link, all investments in education are in vain. It is noticeable that education in Egypt is still unable to achieve this linking. For one thing, the agrarian sector consumes 33% of total workforce in Egypt. That means education will not draw workforce to more profitable industries. On the other hand, ties between between illiteracy and unemployment are weak. Illiteracy in Alexandria is 20.4% and unemployment is 7.3% and in the province of Fayoum illiteracy is 52.3% and unemployment rate is 7.4%. Numbers also indicate that the highest unemployment rate is among those who have intermediate certifications as 33% of total unemployment belongs

to that category. In the second place come the post intermediate certifications which represent 19% of unemployment and high certifications follow with 12%, while the illiterates represent the lowest percentage of 1%. We can also find the same sequence in regard to average unemployment period.

On analysing these numbers, we will find that the technical education, which contain about 65% of students in the secondary phase and the most spreading one among the poor as more than 70% of them go to that education, is unable to provide qualified trained workforce that have the skills required in labour market. It is because the state underestimates that type of education and this is shown clearly in weak concern for laboratories and training workshops.

On considering education outcomes, we will find that the outcome of basic education and lower phases is about 5% and the proportion comes down to 2% in academic education, while technical education registers negative outcomes. That explains the continuous increase in child labour and the fact that labour market provides relatively higher incomes for lower certifications.

Here appears the importance of rehabilitation training, though a lot of problems face that kind of training. Among these problems, comes absence of information and documented data on labour market and absence of vocational standards, unified testing mechanisms and a national strategy of training. We can find that more than 1500 training centres and organisations follow more than 22 ministries and agencies without any co-ordination among them. Training in these places concentrates on fast theoretical academic training. It is also important to mention that the government considers joining a training centre a work opportunity provided by the state.

10- Education and violence:

Egyptian schools, especially in poor suburbs, villages and the south, remained since the seventies a big source of religious violence groups. These scools were proper places for violence among students and towards them from teachers. Following are the reasons:

1- depending on one source of information
2- depending on teachers as the sole owners of information and of the right way to convey it
3- depending on instruction as the sole method of conveying information

4- high density in classes and absence of school activities because of the short school day which is designed to contain more than a school after each other
5- usage of physical punishment by teachers and ill-treatment of students in order to control them
6- very low salaries of teachers that pushed them to practice violence against students to force them to take private lessons because teachers are unable to demand their rights from the state and they are afraid of violence that would be practiced against them in case they did so
7- Scholar curriculums that hinder tolerance with others and accepting more than one face for truth. Curriculums instead are full of discrete information that lead to mono-type thinking, fill gabs with legendaries and underestimate science and knowledge.
8- weak governmental supervision on education that gives space for group cheating and stealing of exams, especially in private schools where success rates are always 100% with high marks that frustrate teachers and students of governmental schools, especially in poor suburbs
9- severe weakness in educational services that resulted in the failure of 30% of students in different pre-academic education phases in the province of Kafrel-Sheikh in dictation exam, it is a general feature, especially in poor areas, villages and the south.

These reaasons resulted in the existencec of graduated generations that believe in a group of values that call for the illusion of owning the truth and underestimates science for the sake of legends. Big part of the graduated lack required qualifications and ability to cope with labour market, which is basically weak. They were the main source of religious violence groups and formed leaderships for those groups which belong to the lowest slices of the intermediate class.

Physical punishment is severely prevailing in schools. It is true that the ministry of education declared hard punishments for teachers who use physical punishment, but the atmosphere of violence prevailing in poor areas allows for more and more ill-treatment and physical punishment in schools. In the scholar year of 1998-1999, in the preparatory school of Suzan Mubarak in Nahda City, which is one of the poorest areas in the capital and contain mainly small employees, unemployed and workers in mean works who gained these flats after the collapse of their houses in the earthquake of

1992, three girls in the second grade in the sole preparatory school for girls in the area, which have a class density of 70 – 80, tried to commit a suicide because of the violence of their female teacher against them. The teacher was transported to another province but she could make the right contacts to come back. In a near school in a richer area, a teacher called a girl a bad name and that caused him a fine that is equal to the salary of two months. It is a clear bias to the rich that is repeated all the time on a social basis. We can find many cases of violence between teachers and students using white weapons and in some cases the school had to call the police to come and control the boys.

Finally, in spite of the strong reaction of the state against religious and ethnic violence during the nineties, the prevailing atmosphere and violations that occure in the educational process lead to a state of violence supported by tyranny, official violence and absence of basic freedoms. Fury of severe violations of economic, social and cultural rights is directed to the weakest social slices spreading a state of reproduction of violence mainly because of the frustration caused by weak hopes to have proper income from education.

11- Deduction:

- Education rights face a state of violation since the implementation of structural adjustment programmes as the relative concern for education is decreasing in spite of the state declaration of education to be an issue of national security.
- Trials to repaire education are generally quantitatively less than the required.
- There are enormous gabs in relation between eduation and society needs that denote backwardness in quality of education.
- Domestic activities are mainly directed to religious edcuation.
- Private investment in education is still weak and not enough to make an educational development.
- Poor areas, families with lower income and females suffer low expenditures, inequal opportunities and bad management more than other categories.

Unemployment

High education	Post intermediate	Intermediate	Illiterate
12%	19%	33%	1%

Culture	Number of books per 1000	Net surfers per 1000	Researchers per 1000
	4	20	4

Education Expenditures

Global Minimum	Govenmental expenditures	Family Expenditures
500 $	137	363

Education Types

Governmental	Religious	Private
65%	25.3%	9.7%

Employees Distribution

Teachers	Administrators
52%	48%

Expenditure Distribution

Salaries	Other Aspects
90%	10%

Number of Students and Classes and Density Rates

	91-92	92-93	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03
Students before university (millions)	12.8	13.3	13.9	14.5	14.7	15	15.4	16	15.8	16.5	16.7	16.8
Students in university (millions)	0.8	0.8	0.9	1	1.3	1.5	1.6	1.7	1.8	1.7	1.9	2.2
No. of classes (thousands)	309	323	336	351	357	366	375	386	392	418	423	429
No. of faculties (faculties)	326	330	355	376	401	427	441	452	471	471	497	516
Expenditures (milliards)	4.7	7.3	9.3	11.2	11.7	15.6	16.6	18	18.9	19.7	19.7	22.5

Schools with computers (thousands)	0.6	0.8	1.3	1.5	3.5	7.5	12.7	19.5	23.7	26.3	25.1	25.6

The Seventh Chapter: Right to Work

A. Legal Framework

1. Right to work in international conventions:

International conventions and treaties gave the right to work a special concern as one of the most important human rights.

1.1. Paragraph 23 in the International Declaration for Human Rights, issued in December 1948 stated that:

1.1.1. Every person has got the right to work and the freedom to choose the work under fair and satisfying work conditions and the right to be protected from unemployment.

1.1.2. All people have got the right to equal payment for equal work without any discrimination.

1.1.3. Each working individual has got the right to a fair and satisfactory pension that provides a decent proper life from himself and his family.

1.1.4. Each person has got the right to establish syndicates with others and to join ones in order to protect his interests.

2.1. Paragraph 24 of the declaration stated that each person has got the right to have rest, leisure times, proper work hours and a periodical paid vacation.

1.2. The international treaty no. 87 of 1948 related to syndicate freedom and the right to organise, as well as the international treaty no. 98 of 1949 related to the principles of the right to organise and collective negotiation and treaties 100 and 101 related to equal payments for male and female workers for equal works and the right to paid vacations for agrarian labourers…etc have all ensured the right to establish and join syndicates.

1.3. International Convention on Economic, Social and Cultural Rights ratified by UN in December 1966 assured in paragraph 6 the right to work and broadened this concept to include providing of technical and vocational direction and training.

Paragraph 7 explained in detail fair and satisfactory work conditions as for pension, salary, safety measures, equality in promotion in work and rest and leisure time.

Paragraph 8 assured the right of every person to organise and join syndicates and broadened that right to include the right to go on a strike under the rules put in each country.

Paragraph 9 stated the right of social insurance and the right of every person to this insurance.

Paragraph 10 put protection on family, mothers, children and adolescents and prohibited hiring of children under work age in any work that may ciorrupt their ethics, harm their health, put their lives to risk or affect their natural growth.

1.4. International convention on civil and political rights issued in December 1966 assured in paragraph 22 the right of individuals to organise and join associations and organisations.

1.5. In addition, the treaties ratified by the general conference of ILO handled different aspects of the right to work, such as the treaties no. 122, 168 and 135.

2. Right to work in Egyptian legislations:

Egyptian constitutions gave concern in different ways for economic, social and cultural rights, including the right to work, according to the social and political developments in Egypt.

- Paragraph 21 of 1923 constitution stated the right of Egyptians to form associations.
- Constitution of 1956 concentrated on these rights and devoted 31 paragraphs for them.
- Current constitution of 1971 includes 31 paragraphs that assure the economic and social rights. Paragraph 13 stated that "work is a right and duty provided by the state). Paragraph 8 assured the state role in providing equal opportunities for citizens to work and share projects' management and profits. Paragraph 26 assured the right to establish syndicates and unions on a democratic basis. In addition, many laws such as 91/1959, 92/1959, 137/1981, 47/1978, 48/1978, 203/1991 and the new labour law no. 12/2003 have handled several aspects of work employee relationship.

3. Right to work in Egypt:

The right to work in Egypt has passed through many phases that can be classified as follows:

a. The sixties

The state was concerned in this period with the right to work and was committed to hire graduates till unemployment was about to completely disappear. Statistics of the central bureau for public mobilisation and statistics mentioned that unemployment did not exceed 1.4% of workforce in this period. In spite of the low salaries in this period compared to international standards, relative stability in prices gave employees a proper life standard. In this period, work profits exceeded ownership profits indicating a great value of work. This period was also characterised by violating the right to go on a strike and strikes were handled violently by security forces and labour syndicates were nationalised.

b. Mid seventies to mid eighties:

This period represent the beginning of tending to the attitude of economic openness and encouraging Arab and foreign investments since 1974 after law 43/1974. the phenomenon of unemployment began to appear severely and reached 4.2% in 1979[81] afetr it was 1.4% in 1972, in spite of the big immigrations of workforce to Arab petrol countries, in addition to what is called in economic literatures partial or disguised unemployment[82]. During this period, employees in governmental sector increased from 1.8 million in 1976 to 3.3 million in 1984[83], in spite of the high economic growth that reached 8% on average. Actually this growth did not express the full capacity of the economy at the time. It depended on the income of Suez Canal, petrol, tourism and money transferred from Egyptians working abroad.

c. Mid eighties to mid nineties:

This period witnessed the end of the state's commitment to hire graduates and accordingly unemployment increased and reached 10-13% and was accompanied by lower economic growth which was 0.3-2.5% annually till 1993[84] and individual income decreased to zero or sub zero[85].

Beginning of the nineties witnessed the process of converting to market economy and structural adjustment. This process was accompanied by firing employees in public business sector and that was called early pension.

[81] Bent Hansen – Sameer Radwan (Work and Social Justice in Egypt in the Eighties), International Labour Bureau, Cairo, 1983

[82] Ibid

[83] Abdel-Khalek Farouk – Waste Time Economics – Strategic and Political studies Centre in Ahram – Cairo, 2002

[84] Sameer Radwan – Developing Strategy and Programmes to Create More Work Opportunities – ILO – Geneva, August 1997

[85] Ibid

Unemployment rate reached an unpreceeded rate (17%) and there are arguments among several resources whether this number is true.
According to statistics of Arab Labour organisation, total workers in 1998 reached 17,631,000 and number of those who are able to work in 1996 was 23,971,000. Supposing a relative fixation, the unemployed citizens in this case become 6,340,000 representing 26.4%[86].
Development report of UN and ILO estimated workforce in Egypt to be 17,726,000 and employees to be 15,808,000 and number of the unemployed was 1,919 representing 10.8%[87]. The table of development indicators in Egypt shows workforce and the employed in 1991-2002[88].

(In millions)

	91-92	92-93	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02
Workforce	15.5	15.6	14.3	16.5	16.9	17.4	17.8	18.3	18.8	19.3	19.7
Employed	13.7	14	14.4	14.9	15.3	15.8	16.3	16.9	17.4	17.6	18

On analysing the table (regardless the clear error in workforce of 93-94), unemployment was 1.8 million in 91-92 and 1.7 in 2001-2002, while it was 1.6 million in 1995-1996. Unemployment rate in this case is 9.4%, which is less than the number estimated by International Labour Bureau (10.8).
According to the ministry of planning, unemployment rate began to increase since the beginning of the first quintuple plan (1982-1983/1986-1987). It increased from 5.1% in 1981-1982 to 7.4% at the end of 1986-1987 and kept increasing till it reached 9.6% in 1994-1995. Then it began to decrease till it became 7.9% in 1998-99. Number of the unemployed during 1981-82:1998-99 to reach about 1.4 million citizens at the end of the period compared to 570 thousands at the beginning[89].
Al-Ahaly newspaper inquired in an essay entitled "How much are the unemployed 1.5 or 6.6 millions?" The essay displayed a group of numbers and said, "Based on the previous facts, unemployment rate becomes 17.6% in 2001, which is twice more than the official number"[90].
The big contradictions in determining unemployment rate come back to the high proportion of the unclassifieds and the huge labour in non-official

[86] Web site of Arab Labour Organisation, table 1-6
[87] Abdel-Khalek Farouk – Waste Time Economics – Strategic and Political studies Centre in Ahram – Cairo, 2002
[88] sources: Central Authority for Public Mobilisation and Statistics – Information and Decision support Centre of the Prime Ministry web site
[89] Arab Human Development Report 2002 – UNDP – Arab Fund for Economic and Social Development
[90] Al-Ahaly newspaper, August 21st 2002

sector. However we may depend on the average of these contradicted numbers, which is 10% of total workforce that exceeded 20 million.

General atmosphere during this period:

The increase in unemployment, which is the biggest violation of the right to work, was accompanied since the nineties till now by a group of laws and decisions that form the legislative framework that helps or legalises these violations of the right to work.

Since the seventies and on issuing of investment law no. 43/1974 and pursuant amendments, the state gave special concern to motivating investors and flattered businessmen on the expense of labourers. The most important facilities and advantages given to businessmen in the new law were:

1) Exempting foreign projects from profit taxes
2) Exempting machines and equipments from customes
3) Exporting the profits and capital after 5 years of operations beginning
4) Protection and shielding from nationalisation and confiscation
5) Depriving labourers of the right to participate in management and share profits.

Then came the law 8/1975 on investment guarantees and motivation, which constraints the right of labourers to form syndicates in the enterprises of exportation areas. Then the state began to develop legislations that give space for putting an end for the public sector according to the instructions of IMF and World Bank. The law of public business sector no. 203/1991 for example reduces labourers' representation in management board to two instead of four. Then the government issued some legislation that put all the burdens of economic backwardness on the poor, such as tenured arable land law of 96/1992, which led to the expelling of about 400 thousand farmers from their tenured lands and left them with no source of livelihood. There are also the law of raising the tenure value for commercial places and the new labour law no. 12/2003, which violates the rights of labourers.

It is also important to mention the huge impacts of privatisation represented in a big increase in unemployment with all the expected dangerous social effects.

Following is a table that shows the number of companies sold in the course of privatisation programme during 1993-2002

	93	94	95	96	97	98	99	2000	2001	2002
Companies sold in stock exchange	---	---	1	15	29	37	37	38	38	38
Companies sold	---	3	3	6	9	11	20	25	29	29

to a main investor										
Companies with 51% of shares sold	6	18	24	24	65	93	114	123	134	137
Companies sold to labourers	---	7	10	10	13	25	30	30	34	34
Privatisation income (million pounds)	---	664	1,879	4,670	7,891	10,177	12,962	15,438	16,531	16,602

Source: Ministry of public business sector

Number of labourers who have been assigned to early pension reached 300 thousands till 1997 and the number became 450 thousands by the end of 2000. This policy is still continuous for the companies offered for sale but no one proposed to buy, which are 58 companies in the past four years[91]. Ministry of public business sector assures in one of its reports that privatisation programme will not whatever economic circumstances are. 193 companies and factories are sold till now and the coming phase will witness offers of more than 41 companies and factories, all of them follow law 203/1991, as political, security and legislative stability had been achieved. In addition, to the companies that follow law 159/1981 will be offered for sale too[92].

The state neglected its role in protection of the right to work and that caused actual income growth rates to decrease in an aggravating way to reach 4.1% in 1999, 3.9% in 2000, 3.1% in 2001, 0:-2% in 2002 and 1.5-2.5% in 2003 according to the predictions of the American Embassy in Cairo for the year 2002-2003.

In addition, the phenomenon of non-official sector grew fast in the last years and became responsible for about 33-50% of total national production and contained 6.9 million labourers compared to 5.1 millions in the private sector, 5.3 in government and 900,000 in government owned projects[93].

It is known that non-official labourers are subject to many forms of violations. There is no maximum or minimum work hours, no minimum wages, no guarantees against unjustified firing and the majority have no social or medical insurance at all. They have no work contracts and thus they feel no social safety at all.

[91] Labour Magazine, volume 487, December 2003, essay entitled "random privatisation programmes" by Morsy Badred-Deen, p. 23

[92] Ibid, p.24

[93] Report of the American Embassy in Cairo on the Egyptian economy, 2002-2003

Syndicalistic position:

Weakness of the syndicalistic position contributes to more violations of the rights of Egyptian labourers. Dependency of the syndicalistic organisation as well as government domination and interference in its affairs turned it into a kind of a governmental party.

Moreover, the government issued law no. 12/1995 for labour syndicates in order to keep old leaders in their places in labour union and public syndicates even after they reach pension age. Government wants them to remain in their places till death. Those leaders, being aware that their existence comes back to the govenmental concent, pay back to the government by accepting all the policies suggested by government, even those policies that clearly violate labourers' rights. Syndicates were therefore silent on issuing law 203/1991 and on selling the public sector and encouraged early pension and ignored unemployment that reached unprecedented limits. Labour union also ignores bad work conditions in new industrial cities, stands against every strike and condemns every voice opposes or differs with current policies.

In syndicalistic round of 2001-2006, government interfered and announced cancelling the candidatures of a big number of syndicalist members in elections. Those members could later on obtain judicial verdicts that give them the right to candidate themselves, but government and labour union ignored these verdicts and announced the winning og 13 syndicalists without elections as they are the sole candidates in their syndicates. Ministry of workforce, which supervise elections in a clear contradiction to law, announced other 4 syndicalists to win without elections just one day before elections after much pressure on opposing candidates. So, 17 syndicates out of 23 had no elections, in addition to labour union. Many judicial verdicts have been issued lately to state that the current union is not legal and that elections must be run again under a complete judicial supervision, but labour union, ministry of workforce and government refuse to execute the judges in a new massacre of democracy and a bold challenge of judiciary.

Labour protests:

The nineties witnessed several labour protests either in public, private and governmental sectors as a reaction to the policies of the state and businessmen, which violate labourers' rights. These protests took place in a variety of forms, such as strike, hunger strike and demonstrations. Co-ordination was generally absent in these protests and naturally received no solidarity from other parts, as syndicalistic organisation is weak and businessmen are given big authorities to fire protesting labourers. Most

protests come back to issues related to wages and other payments[94]. Number of these protests varied from one year to another and included new categories that may be protesting for the first time in their history, such as the pilots of Egypt Air who made a strike for a month beginning in January 2nd 1999[95] in order to improve their positions. Also employees of Real Estate Taxes Authority who demonstrated before the parliament building against the Minister of Finance demanding equality with their peers in General Taxes Authority[96].

The state does not handle these protests objectively. Leaders of these protests, or those imagined to be the leaders, are always punished severely.

The enclosed table shows number and distribution of the different forms of labourers' protests in five years 1998-2002[97]. Private sector witnessed the biggest proportion of protests during 2001 and 2002[98] as shown in the following table:

Year	Total Protests	Public sector	Private sector	Governmental sector	Other categories
2001	138	42	52	21	23
2002	96	22	49	25	---

Source: LCHR, Resistance Is the Way to Win – Labourers' Protests in Egypt in 2003, Cairo in March 2003

Deduction:

Right to work experienced many violations since the implementation of the privatisation policy and even since the preparations to implement this policy in the seventies. These violations impacted all the contents of the right to work.

- Unemployment rate increased and is still increasing due to abortion of hiring programmes and inability of private sector to carry out real development that aims at containing of workforce.
- Frustration and inability to concentrate in work prevailed among workers due to bad and hard work conditions on one side and the absence of strong syndicates that defend labourers' interests and work on improving of work conditions.
- Government put the burden of the economic crisis on labourers, together with other weak social categories. Thus wages are reduced

[94] LCHR, Labourers Protests in Egypt, Cairo, June 2001
[95] Ibid
[96] Ibid
[97] LCHR, reports on labourers' protests in 1998, 2000, 2001, 2002
[98] LCHR, Resistance Is the Way to Win – Labourers' Protests in Egypt in 2002, Cairo, March 2003

and rights are violated. Government and businessmen found no way to compete in market but on the expense of workers' rights and workers' sole property, their workforce. Daily increase in the size of unemployment army facilitated the implementation of this policy, as this army applies a real pressure on workers to accept anything.

Total labourers' protests in 1998 – 2002

Type	1998	1999	2000	2001	2002	Total
Strike	33	36	34	14	25	142
Demonstrations	14	18	37	75	44	188
Hunger strike	7	21	6	8	---	42
Clinging	18	34	48	41	27	168
Total	72	109	125	138	96	567

Source: reports of LCHR on labourers' protests in Egypt for the years 1998 – 2000, 2001, 2002

Sector	Policy	Sold companies till 31/7/2000	Remaining companies	Companies to be offered in 2000	Companies to be offered in 2001	Companies to be offered after 2001
Nutrition and agriculture	Selling 100% with 10% for workers	43	12	3	10	---
Medicine	Selling 30% to investors and 10% to workers	5	6	2	---	4
Mills	Selling 3 companies and 40% of the rest	7	---	---	---	---
Mallets	100% to workers	7	1	1	---	---
Cotton, textiles and weaving	Reforming first and selling some now	7	42	2	4	36
Cement	Selling 100% with 10% for workers	16	26	5	9	12
Construction and housing	Selling 100% with	16	26	5	9	12

	10% for workers					
Chemicals	Selling all and reforming fertilisers and paper	12	17	4	6	7
Engineering	Selling 100% with 10% for workers	6	16	2	7	7
Mining	Selling all and reforming steel and thermals	5	14	4	9	1
Land transportation	State owned with private management	3	6	1	---	5
Sea transportation	Selling all companies	9	9	0	4	5

Source: Report of Ministry of Public Business Sector on Jul. 31st 2000

Right to Housing

It is one of the most important human rights due to its close relations to other rights. Right to housing contains many other rights enshrined in international conventions. This right implies the necessity of having a safe place proper for human dignity, mental and physical health and general type of life. This gives us a strong indication that the right to proper hosing is one of the most important human needs. It is also important to have pure drinking water and other basic services as part of the right to proper housing[99].

Proper housing is defined as the right to have a house characterised by privacy, enough space, safety, lighting, and air stream as well as basic infra structure and proper position.

Elements of the right to housing reflect a big amount of intervention and interrelation with the economic element as the main indicator of other elements. It may be stated that if this element is absent, all other elements are absent or threatened to be as they all inevitably cost too much. Thus, houses of the poor mostly lack the elements of proper housing, especially the elements of proper position and infrastructure.

[99] LCHR, Land Law and Its Impacts on Housing Position in Egypt's Countryside

A huge part of the inhabitants in rural areas and in random suburbs around big cities live in houses that lack all elements of proper housing. In addition to the absence of legal safety and weak or absent basic services, those people live in totally unsafe positions near to and sometimes in dangerous sources of electromagnetic pollution, such as broadcast stations, TV, radars, high pressure electric lines and enforcement stations for cellular phones.

Legal framework of the right to housing:

On the international level

Right to housing is enshrined in more than 12 international treaties, conventions and declarations. The first time this right was mentioned was in the International Declaration for Human Rights in 1948. Right to proper housing was thus added to the group of rights that must be globally protected[100].

Paragraph 6, part 35 of the declaration states that every person has got the right to a life standard that guarantees health and prosperity for himself and his family, especially in the fields of food, clothes, housing and basic social services. He has got also the right to have what protects him from the danger of unemployment and disease.

Paragraph 1 of part 11 in the International Convention on Economic, Social and Cultural Rights states that all member countries admit the right of every person to have a proper life standard for himself and his family that enables them to have enough food, clothes and a shelter and his right to a continuous improvement for life conditions. Member countries are also committed to implement this right admitting in this regard the basic importance of the international co-operation based on free communication.

In addition to these most important sources in international law, right to housing was enshrined in several treaties and conventions that we can briefly mention:

1. UN declaration of progression and development in 1969 and Vancouver declaration in 1976
2. international agreement to eliminate all kinds of racial discrimination, in paragraph 15 of which member countries state the right of all races to a group of rights including the right to proper housing
3. Convention on Elimination of Discrimination Against Women ratified in 1979, paragraph 14 of which commits member countries to protect women, especially rural ones, from discrimination in regard to right to housing and other rights
4. Child Rights Declaration in 1959 and Child Rights Treaty in 1989 where paragraph 37 demands member countries to apply proper

[100] International Campaign for Human Rights, p. 7

procedures to help parents or other persons in charge of the child to enjoy a proper life standard, including housing

5. international treaty to protect the rights of immigrant labourers and their families in 1990, paragraph 43 of which demands equalising immigrant labourers to citizens in many rights including the ability to have a house
6. recommendation 115 regarding labourer' housing issued by ILO in 1961, in addition to housing related paragraphs in about 37 treaties and recommendations issued by ILO
7. refugees treaty of 1951
8. the decision no. 43/1946 of UN regarding the rights of native inhabitants including the right to housing
9. the decision no. 26/1991 of sub commission of UN that assures the necessity of developing an effective policy that guarantees the right of all to proper housing and concentrates on those who currently do not have proper houses

Egyptian legal framework:

Since the seventies till now, several laws were issued to regulate right to housing starting from law no. 49 of 1997 that regulates the tenant – owner relationship through a commission that determines the proper rent value (par. 12). The law grants the right to put building standards to the Minister of Housing (par. 11) and states the rules of determining the rent value in paragraphs 14 and 15 and the cases that need re-estimation of the rent value and how to impeach the decisions of the commission in paragraphs 16, 17, 18, 19, 20, 21 and 22.

This law worked on achieving the maximum use of houses by stating that it is not allowed for one person to rent more than one house without proper reason or to leave a rented house without usage for more than four months (par. 8). Then the law regulated the rights and duties of owners and tenants in paragraph 24:38. The law also determines in its fourth chapter how to compensate tenants in case of evacuation for the sake of reparations.

Law 136/1981 re-regulates the owner – tenant relationship with new rules that are bias to owners. Previous law (49/1977) determines rent value on the basis of land value in 1974 with an annual increase of7% and building costs, whereas this law states in paragraph 2 that the rent value is determined according to land value in building time and building costs. That led to a big increase in rent values, as land values increased much due to buying it by thousands of Egyptians working abroad. In paragraph 1 of this law, luxurious houses are exempted from determining a maximum rent value and

that tempted most investors to invest in that type of houses causing more complications to housing problem.
Then the law 4/1996[101] stated the application of civil law on owner – tenant relationship. Civil law defines tenure to be "a contract in which the owner gives the tenant the right to make use of something for a certain period for a determined payment according to paragraph 558 in civil inspection and thus it is necessary to determine a period in the contract"
So there is no maximum for the rent value of any kind of houses giving owners the right to determine the rent value and the period causing more complications to the housing problem in Egypt.
Also arable land law 96/1992 touches the right to housing by determining that if the tenured arable land contains the sole house of the tenant, it should not be evacuated till the state provides him an alternative house in the same area with a proper rent value.

Right to housing in Egyptian real life
We will consider the elements mentioned by the UN Commission for Economic and Social Rights for proper housing in order to assess how much this right is enforced in Reality.
Economic reform had a negative impact on this right as it became harder to own or rent a house, not only for poor slices but also for middle ones in which new generations cannot find a house but in randomely built areas. Economic experts assure that the economic reform policy has decreased actual wages for both workers and employees and accordingly families cannot cut from their incomes but a very small amount for buying a house for it is necessary also to provide for the basic needs of food, transportation, medical care,…etc.
Egyptians are devided into two categories. One of them has already got a rented or owned houses and another one that cannot provide for renting or owning a house.
In general, economic reform has turned the process of owning a house into a harder and more complex one for low and middle social slices[102]. Firstly we will start with the element of legal safety of ownership.
Law 4/1996 is one of the laws that violate the principle of legal safety. In this law, tenure contracts follow the civil law which states the principle of free contracting between owners and tenants and thus no protection is provided for tenants. The right of tenants to live in the house ends directly

[101] Osama Ahmad Shatat, law of renting and selling of places and regulating owner – tenant relationship, legal books house, Egypt, 1998, p. 114
[102] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing

after the contracting period which is mostly determined by the owner to be one year. After this period the owner has got the right to determine whatever new rent value he wants or expell the tenant without any legal ability for the tenant to object. So tenants with a family and children cannot feel any stability.

Also law 96/1992 led to more violations of this principle, especially when it was executed. Fourth paragraph of this law states clearly that farmers must be provided an alternative house in the same area in case they are evacuated from the houses attached to arable lands from which they are expelled according to law. Undoubtedly, the text is one thing and its implementaion has turned it to another thing developing another problem as for how to preserve law texts and protect them from violation.

We think that the increase in violence either in rural or urban areas is partially related to the violation of the principle of rule of law and that causes other problems.

For many years, farmers and many social slices living in the countryside enjoyed a relatively safe possession of land and accordingly housing, but very unfortunately law 96/1992 began to be implemented in October 1997 causing severe threats to this right. Most tenant farmers were expelled from their tenured farms and the attached houses. As for other categories in the countryside, such as agrarian labourers, technicians, farer labourers,…etc, they all faced big problems in their housing after law implementation. They faced many conflicts over possession of the lands on which their houses are built. Either with landlords or with the Ministry of Awkaf. It is a big threat for the principle of safe possession of a house, which is no more stable or protected. Many families now live under the threat of vagrancy after they are expelled from the houses in which they lived for years and years[103].

We will display two cases:

1. 400 families in the village of Bakry in the province of Kalyobia are to be expelled from their houses, in which they lived for more than 50 years on their rented farms and local authorities extended the infrastructure services to these houses 20 years ago. Suddenly they were demanded to leave their houses because these houses are state property. They wrote a complaint to the governor of the province who issued decree 423/1998 stating the right of these families to buy the land. The decree is ignored and some governmental authorities still try to expell them.

[103] LCHR, Land Law and its Impact on Housing Positions in Egypt's Countryside, 2001, p. 9

2. in Shebeen El-koam in the province of menoufia, farmers were expelled from their houses because these houses are alleged to be state property that follow law 96/1992 and inhabitants must pay all the rent values since 1992 till 1997 if they want to stay. Farmers of course could not do that and accordingly were expelled.

One of the things that remarkably violate the right to safe possession is forced evacuation. Government use forced evacuation mostly under the allegation of developing the suburbs and evacuation is mostly done without compensations or alternative houses. In case a compensation is paid, it is very little and does not afford but for a far house where three elements of the right to housing are not provided, proper position, easy reach and culturally matching. Following are two examples of forced evacuation:

1. demolition of 7 houses in Ain Helwan

in June 1998, 7 houses were demolished without warning the inhabitants in the randomely built area of Arab Ghoneim in the suburb of Helwan in Cairo. Citizens tried to prevent demolition of their houses by force and police forces interfered causing a number of injuries among the citizens and all that is to widen the street in spite of the Court verdict stating that the demolition is illegal. Citizens were given were given no compensations or alternative houses.

2. demolition of five houses in Marg

police forces demolished five houses in the randomely built area of Marg without previous warning and berfore citizens are shown the demolition decrees. Houses were demolished under the usual allegation of widening a street that connects the area to the circle road. Citizens in the area had no idea or official notifications of evacuation. As usual also, no compensations were paid and no alternative houses were provided[104].

It is important to mention that forced evacuation does not occure but in poor suburbs using police forces and generating riot actions among citizens against police forces as in the area of Fawakheer. Buldozers began to wreck down the first house in this area and one of the inhabitants threw a stone towards police officers. Police replied using hard sticks and tear bombs and asked for additional forces to arrest 100 citizens[105].

Random areas:

Urban marginalised areas spread inside and around Cairo and the other Egyptian cities. These areas are inhabited by

[104] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing

[105] Egyptian Organisation for Human Rights, closed doors and the fears of a new phase of social violence, 1998

The Eighth Chapter: Right to Housing

It is one of the most important human rights due to its close relations to other rights. Right to housing contains many other rights enshrined in international conventions. This right implies the necessity of having a safe place proper for human dignity, mental and physical health, and general type of life. This gives us a strong indication that the right to proper hosing is one of the most important human needs. It is also important to have pure drinking water and other basic services as part of the right to proper housing[106].

Proper housing is the right to have a house characterised by privacy, enough space, safety, lighting, and air stream as well as basic infra structure and proper position.

Elements of the right to housing reflect a big amount of intervention and interrelation with the economic element as the main indicator of other elements. We can stat that if this element is absent, all other elements are absent or threatened to be as they all inevitably cost too much. Thus, houses of the poor mostly lack the elements of proper housing, especially the elements of proper position and infrastructure.

A huge part of the inhabitants in rural areas and in random suburbs around big cities lives in houses that lack all elements of proper housing. In addition to the absence of legal safety and weak or absent basic services, those people live in totally unsafe positions near to and sometimes in dangerous sources of electromagnetic pollution, such as broadcast stations, TV, radars, high pressure electric lines and enforcement stations for cellular phones.

Legal framework of the right to housing:

On the international level

Right to housing is enshrined in more than 12 international treaties, conventions, and declarations. The first time this right appeared was in the International Declaration for Human Rights in 1948. Right to proper housing thus became one of the rights that receive global concern[107].

Paragraph 6, part 35 of the declaration states that every person has got the right to a life standard that guarantees health and prosperity for himself and his family, especially in the fields of food, clothes, housing and basic social services. He has also the right to have what protects him from the danger of unemployment and disease.

[106] LCHR, Land Law and Its Impacts on Housing Position in Egypt's Countryside

[107] International Campaign for Human Rights, p. 7

Paragraph 1 of part 11 in the International Convention on Economic, Social and Cultural Rights states that all member countries admit the right of every person to have a proper life standard for himself and his family that enables them to have enough food, clothes and a shelter and his right to a continuous improvement for life conditions. Member countries are also committed to implement this right admitting in this regard the basic importance of the international co-operation based on free communication.

In addition to these most important sources in international law, right to housing was enshrined in several treaties and conventions that we can briefly mention:

10. UN declaration of progression and development in 1969 and Vancouver declaration in 1976
11. international agreement to eliminate all kinds of racial discrimination, in paragraph 15 of which member countries state the right of all races to a group of rights including the right to proper housing
12. Convention on Elimination of Discrimination Against Women ratified in 1979, paragraph 14 of which commits member countries to protect women, especially rural ones, from discrimination in regard to right to housing and other rights
13. Child Rights Declaration in 1959 and Child Rights Treaty in 1989 where paragraph 37 demands member countries to apply proper procedures to help parents or other persons in charge of the child to enjoy a proper life standard, including housing
14. international treaty to protect the rights of immigrant labourers and their families in 1990, paragraph 43 of which demands equalising immigrant labourers to citizens in many rights including the ability to have a house
15. recommendation 115 regarding labourer' housing issued by ILO in 1961, in addition to housing related paragraphs in about 37 treaties and recommendations issued by ILO
16. refugees treaty of 1951
17. the decision no. 43/1946 of UN regarding the rights of native inhabitants including the right to housing
18. the decision no. 26/1991 of sub commission of UN that assures the necessity of developing an effective policy that guarantees the right of all to proper housing and concentrates on those who currently do not have proper houses

Egyptian legal framework:

Since the seventies until now, several laws regulate the right to housing starting from law no. 49 of 1997 that regulates the tenant – owner

relationship through a commission that determines the proper rent value (par. 12). The law grants the right to put building standards to the Minister of Housing (par. 11) and states the rules of determining the rent value in paragraphs 14 and 15 and the cases that need re-estimation of the rent value and how to impeach the decisions of the commission in paragraphs 16, 17, 18, 19, 20, 21 and 22.

This law worked on achieving the maximum use of houses by stating that an individual cannot rent more than one house without proper reason or leave a rented house without usage for more than four months (par. 8). Then the law regulated the rights and duties of owners and tenants in paragraph 24:38. The law also determines in its fourth chapter how to compensate tenants in case of evacuation for the sake of reparations.

Law 136/1981 re-regulates the owner – tenant relationship with new rules that are bias to owners. Previous law (49/1977) determines rent value based on land value in 1974 with an annual increase of 7% and building costs, whereas this law states in paragraph 2 that the rent value is determined according to land value in building time and building costs. That led to a big increase in rent values, as land values increased much due to buying it by thousands of Egyptians working abroad. In paragraph 1 of this law, luxurious houses are exempted from determining a maximum rent value and that tempted most investors to invest in that type of houses causing more complications to housing problem.

Then the law 4/1996[108] stated the application of civil law on owner – tenant relationship. Civil law defines tenure to be "a contract in which the owner gives the tenant the right to make use of something for a certain period for a determined payment according to paragraph 558 in civil inspection and thus it is necessary to determine a period in the contract"

Therefore, there is no maximum for the rent value of any kind of houses giving owners the right to determine the rent value and the period causing more complications to the housing problem in Egypt.

Also arable land law 96/1992 touches the right to housing by determining that if the tenured arable land contains the sole house of the tenant, the state must provide him an alternative house in the same area with a proper rent value before evacuating him.

Right to housing in Egyptian real life

[108] Osama Ahmad Shatat, law of renting and selling of places and regulating owner – tenant relationship, legal books house, Egypt, 1998, p. 114

We will consider the elements mentioned by the UN Commission for Economic and Social Rights for proper housing in order to assess the situation of this right in Reality.
Economic reform had a negative impact on this right as it became harder to own or rent a house, not only for poor slices but also for middle ones in which new generations cannot find a house but in randomly built areas. Economic experts assure that the economic reform policy has decreased actual wages for both workers and employees and accordingly families cannot cut from their incomes but a very small amount for buying a house for it is necessary also to provide for the basic needs of food, transportation, medical care,…etc.
Egyptians come into two categories. One of them has already rented or owned houses and another one that cannot provide for renting or owning a house.
In general, economic reform has turned the process of owning a house into a harder and more complex one for low and middle social slices[109]. Firstly, we will start with the element of legal safety of ownership.
Law 4/1996 is one of the laws that violate the principle of legal safety. In this law, tenure contracts follow the civil law, which states the principle of free contracting between owners and tenants and thus there is no protection for tenants. The right of tenants to live in the house ends directly after the contracting period, which the owner mostly determines to be one year. After this period, the owner has the right to determine whatever new rent value he wants or expel the tenant without any legal ability for the tenant to object. Therefore, tenants with a family and children cannot feel any stability.
In addition, law 96/1992 led to more violations of this principle, especially on its execution. Fourth paragraph of this law states clearly that farmers must have alternative houses in the same area in case of evacuating them from the houses attached to arable lands from which they lost according to law. Undoubtedly, the text is one thing and its implementation has turned it to another thing developing another problem as for how to preserve law texts and protect them from violation.
We think that the increase in violence either in rural or urban areas partially correlates to the violation of the principle of rule of law and that causes other problems.
For many years, farmers and many social slices living in the countryside enjoyed a relatively safe possession of land and accordingly housing, but

[109] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing

implementation of law 96/1992 began in October 1997 causing severe threats to this right. Most tenant farmers lost their tenured farms and the attached houses. As for other categories in the countryside, such as agrarian labourers, technicians, farer labourers …etc, they all faced big problems in their housing after law implementation. They faced many conflicts over possession of the lands on which they built their houses, either with proprietors or with the Ministry of Awkaf. It is a big threat for the principle of safe possession of a house, which is no more stable or protected. Many families now live under the threat of vagrancy after they lost the houses in which they lived for years and years[110].

We will display two cases:

3. Four hundred families in the village of Bakry in the province of Kalyobia live under the threat of expulsion from their houses in which they lived for more than 50 years on their rented farms and local authorities extended the infrastructure services to these houses 20 years ago. Suddenly, official authorities demanded them to leave their houses because these houses are state property. They wrote a complaint to the governor of the province who issued decree 423/1998 stating the right of these families to buy the land. Some governmental authorities ignored the decree and still trying to expel them.
4. In Shebeen El-koam in the province of Menoufia, farmers lost their houses because these houses are a state property that follows law 96/1992, as the officials allege, and inhabitants must pay all the rent values since 1992 until 1997 if they want to stay. Farmers of course could not do that and accordingly lost their houses.

One of the things that remarkably violate the right to safe possession is forced evacuation. Government use forced evacuation mostly under the allegation of developing the suburbs and there are mostly no compensations or alternative houses for the evacuated citizens. In case a compensation is paid, it is very little and does not afford but for a far house where three elements of the right to housing are not provided, proper position, easy reach and culturally matching. Following are two examples of forced evacuation:

3. demolition of 7 houses in Ain Helwan

In June 1998, police forces demolished seven houses without warning the inhabitants in the randomly built area of Arab Ghoneim in the suburb of Helwan in Cairo. Citizens tried to prevent demolition of their houses by force and police forces interfered causing a number of injuries among the citizens and all that is to widen the street in spite of the Court verdict stating

[110] LCHR, Land Law and its Impact on Housing Positions in Egypt's Countryside, 2001, p. 9

that the demolition is illegal. Citizens were given were given no compensations or alternative houses.

4. demolition of five houses in Marg

Police forces demolished five houses in the randomly built area of Marg without previous warn and before citizens see the demolition decrees. Demolished was under the usual allegation of widening a street that connects the area to the circle road. Citizens in the area had no idea or official notifications of evacuation. As usual also, there are no compensations or alternative houses[111].

It is important to mention that forced evacuation does not occur but in poor suburbs using police forces and generating riot actions among citizens against police forces as in the area of Fawakheer. Bulldozers began to wreck down the first house in this area and one of the inhabitants threw a stone towards police officers. Police replied using hard sticks and tear bombs. Moreover, police asked for additional forces to arrest 100 citizens[112].

Random areas:

Urban marginalised areas spread inside and around Cairo and the other Egyptian cities. Social categories and groups living in these areas have their own social – economic and cultural problems that have certain political implications and reflections. There are several standards to classify marginalised areas. The historical standard divides these areas into two sections according to their evolution history.

There is also the geographical standard that divides marginalised areas into three types and defines these areas to be the areas in which live the people with limited income who are not included in the housing policy of Egypt.

There is also the standard of the economic nature and its political influence. This standard divides these areas into two sections.

Official Egyptian authorities, such as Specialised National Councils, follow the standard of housing type. This standard divides marginalised areas into three types[113]:

1. Random housing built on arable lands in the shape of unauthorised divisions without licences. These areas lack services and rarely have infrastructure.

[111] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing

[112] Egyptian Organisation for Human Rights, closed doors and the fears of a new phase of social violence, 1998

[113] Dr. Galal Muawad, the Marginalised, the Urbanised, and Development in Egypt, Centre of Developing Countries Studies and Researches, Faculty of Economy and Political Sciences, Cairo University (first edition), 1998

2. Marginalised housing represented in places that are not prepared for housing but used for it, such as mosques, historical places, and narrow streets. Marginalised housing includes also apartments that have several families with one room for each family.
3. Cemetery housing represented in housing areas intervened with or located in graveyards, in addition to people who live in cemeteries themselves. This type occurs in Cairo in areas such as Abagia, Megawreen, El-Ghafeer, and many other areas.

These random areas are the result of a clear gab in the housing policy of the state that is bias to the housing of the rich on the expense of the poor. This policy led to a huge gab between prices of available houses and buying powers of those who need them, who increase continuously due to immigration from the countryside for work and higher life standards.

Random areas include a big proportion of the urbanised in Egypt and are characterised by a severely high population density. This density, and the number of the areas themselves, increases in a remarkable way. Ministry of Local Administration estimated in January 1994 the number of random areas in Egypt to be 901 areas. In September 1995, the number became 1034.

Mayo, the newspaper of the ruling party, estimated in its volume of December 12th 1993 the population of random areas all over Egypt to be 11.56 – 12.6 millions. This number represents 37 – 46% of total urban population in Egypt.

Cairo includes the biggest share of random areas and their population. Urban Planning Authority estimated in January 1994 the population of Greater Cairo to be 6 millions representing 46.5% of total population in the province that was 12.9 millions at the time.

According to Information Centre of the province of Cairo in August 1995, there are 79 random areas in Cairo. Sixty-seven of them need to be developed and 12 must be demolished for security reasons. These twelve areas have 106.3 thousand people who live in 6153 cages and independent rooms in 16 suburbs in Cairo.

A study estimated the number of *a live* people living in graveyards in Cairo to be 80 thousands in 1960, increased to 97,286 in 1984, and 350 thousands in 1996. Another study by Specialised National Councils published in November 1985 estimated this number to be 100 thousand families, which means 500 thousand persons supposing an average family size of five persons.

Random areas and deprivation of services

Urban marginalised areas in Egypt suffer the absence or at least weakness of services and infrastructure. Estimations of apartments deprived of infrastructure in Egypt in 1976 for example were 677 thousand apartments representing 9.3% of the total housing units in Egypt of 7.3 millions, most of which are in urban areas. The situation gets more dangerous in some of these areas in Cairo such as the suburb of Munasha'at Nasser. A field study in this suburb in March 1992 revealed that 70% of houses in the suburb have no infrastructure at all. People there buy water. While inhabitants of the mountain edge installed pipes to drag sanitary water to, those away from the edge depend on cars that come periodically to take the sanitary from its storage place. Additionally, the suburb has no secondary schools and no hospitals[114].

Participation of private and public sectors in housing

As for the participation of public and private sectors in housing, the first mostly builds cheap houses and the second concentrates on medium and luxurious houses.

The attached table shows that the participation of the private sector exceeded that of the public one in the period 1982-1995 with total built units of 648,032 and 197,647 respectively. Starting from 1997, the picture began to reverse. The public sector built 58,534 housing units, whereas the private sector built 27,179 units.

The table also shows that the private sector has not built any cheap units. As for the government, the five-year plan of 1987-92 included 221,691 units with the average of 44,338.5 units each year. This average became only 26,597 in 1998-99

Official statistics in 1986 assured that 72,177 families in Egypt have no apartments although there are 1.8 million empty apartments.

Number of families that belong to the second type of housing (marginalised housing and independent rooms) is 953,753 families, 735,249 out of which are in urban areas and 218,504 in rural areas. Individuals living in random housing are 3 millions, in addition to 300 thousands in graveyards.

Government ignored all these people and built in 1998-99 half of what it built in 1992. Investments in housing decreased in either public or private sector in spite of the decrease in currency value. Investments witnessed an increase in the period 1982-92 and began to decrease in both sectors until it reached six milliard pounds in 1998-99.

[114] Ibid

The core problem of housing in Egypt is in the type of available houses more than the number of units or the size of investments. Most investments tend to build medium or luxurious houses, which about quarter of Egypt's population cannot afford.
Consequently, there are huge numbers of empty apartments and families that live in graveyards and random houses that have no health or safety conditions.
In addition, 77,122 buildings in Cairo representing 16.3% have no water, 10.3% without electricity, and 13.9% without sanitary drainage[115].
Government followed a number of methods to execute its housing plans:

1. New cities

New cities suffer the problem of its inability to attract the planned population. The city of Sixth of October for example is can contain half a million, but actual inhabitants are 75 thousands. In addition, the city of Fifteenth of May can contain 250 thousands, but actual population is 100 thousands. City of Sadat has only 1% of the expected population. This is because[116]:

a) Luxurious housing receives more concern
b) Original workplaces are away and the new cities are not able to provide jobs for inhabitants
c) Services and infrastructure are bad, especially drinking water and transportation
d) Prices of departments are high even for low-costs education. Anyone who wants to buy a department there is required to pay 4,000 pounds for down payment and a monthly payment of 1,000 for three years and then 115 for 30 years in the city of Sixth of October[117]. It is nearly impossible for all those who need a home in the poor social classes that represent about 40% of population to provide for these costs, especially since the application of structural adjustment policy that led to continuous reductions in actual incomes for labourers.

2. Building of houses for emergency and natural disasters

This type of housing suffers a severe weakness in building rates causing thousands of victims to wait. Four thousand cases had their flats out of

[115] Report on Development in Egypt 1999-2000, Centre of the Developing Countries Studies and Researches, Faculty of Economy and Political sciences, Cairo University, 2001
[116] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing
[117] Egyptian Centre for Housing Rights, a report to reply for the governmental report on the right to housing, p. 4

waiting list of 28 thousands only in Cairo. In addition, there is a bad distribution of budgets among provinces. Out of 200 million pounds in the budget of 1998-99, 70 millions were devoted to Cairo and the rest for the other 26 provinces.

3. Co-operatives

It is notable that this sector, which concentrates mainly on medial housing, receives a continuously decreasing support from the state. In the budget of 1991-92, 1200 million pounds were devoted to this sector and the share became 550 millions in 1995-96. The biggest part of this support goes to the housing of the army and police. This sector is also characterised by corruption and bad distribution of investments. Loans' interests increased from 4% to 6% causing more problems for many social slices in middle classes when trying to buy a department from this sector[118].

4. Youth housing projects

The state builds some projects of cheap housing for the youth, but the gab between offer and request is enormous, although these houses are small. In one of these projects in the city of Sixth of October, requests were 4,200 while offers were only 2,000. This sector also suffers corruption due to the ambiguous words used to determine the conditions of beneficiary.

The UN Commission on Economic, Social, and cultural Rights replied to the government concerning housing rights expressing in part 22 page 5 its worry for the colossal housing problems that face the Egyptians according to the confession of the Egyptian delegation and that became more complicated by the cancelling of tenure regulations in Egypt and severe shortage in cheap housing.

The commission is also concerned about evacuation of houses by force in poor societies such as the village of Herafiyeen and the area of Ain Helwan in Cairo without providing alternative houses and without compensations. The commission is also concerned about the people who cannot afford to buy a house and live in graveyards. Non-official statistics estimate those people to be half a million to one million citizens.

The Commission urges undersigning countries to develop a strategy and a work plan to face the severe shortage in houses and to provide cheap housing, especially for low income and weak classes. In this regard, the commission reminds the undersigning countries of their commitments to paragraph eight in the convention and the two general notes no. four and

[118] Ibid

seven about the right to proper housing and forced evacuation of houses respectively[119].

Recommendations:

1. It is necessary to pay more concern and give a higher priority for cheap housing in governmental plans.
2. It is important to care for services such as sanitary drainage, pure water, schools, and the other services in new cities, villages, or random areas.
3. The government should provide a paying system that matches the economic positions of the middle social class that needs houses.
4. It is important for the government to be fair in distribution of the housing budget between Cairo and the rest of the provinces and in distribution of housing support among citizens without giving a special care for police and army as in the year 1995-96.
5. It is a main demand to have transparent conditions for youth housing in order to guarantee a fair distribution of these units.
6. It is important to reduce the cruel conditions for the youth to have a house (such as the condition of graduation since not more than five years).
7. The government should decide a proper compensation or an alternative house in case of issuing a demolition decree.
8. Police must stop the use of violence to terrify citizens to force them to accept the alternative even if it is not proper.

[119] The UN Economic and Social Council, The final notes of the Commission on Economic, Social, and cultural Rights, Egypt, May 23rd 2000

Total housing units built by governmental and private sectors during 1982 - 1999

Years	Cheap housing		Economic		Total cheap and economic housing		Levels		Total of houses built	
	Gov.	Private	Gov.	Private	Gov.	Private	Gov.	Private	Gov.	Privat
82-87	---	---	145,791	351,578	145,791	351,578	51,856	296,454	197,647	648,03
87-92	221,691	---	96,371	254,120	318,062	254,120	68,817	262,987	386,879	517,10
92-95	180,288	---	8,504	46,681	188,792	46,681	28,302	80,664	217,094	127,34
97-98	36,257	---	15,500	12,302	51,757	12,302	6,777	14,877	58,534	27,17
98-99	26,597	---	28,762	56,567	55,359	56,567	10,566	---	65,925	56,56

Source: tables number 38 and 39 p. 115 and 166 in the Development Report of Egypt 1999-2000, Centre for Developing Countries Studies and Researches, Faculty of Economy and Political Sciences, Cairo University, 2001

The Ninth Chapter: Right to Health Care

1. The concept of right to health care and legal framework:

1.1. Concept of the right to health care

The right to health care, as in the International Convention on Economic, Social, and Cultural Rights, means that the state provides every citizen the right to enjoy the highest level of physical and mental health[120].

In order to enforce the right to health care, governments should follow a group of measures, which:

- reduce infant mortality rates,
- ensure a healthy growth for children,
- improve all environmental and industrial aspects of health,
- protect, treat, and combat epidemic, lasting, vocational, and other diseases,
- and provide the circumstances that ensure medical services and health care for all in case of illness[121]

This right also includes the necessity of special protection and assistance for all children and adolescents against hiring them in any work that may harm their health, threaten their lives, or affect their natural growth[122]. This right also includes the necessity of providing safe and healthy work conditions[123].

The right to health care relates to a group of other rights such as the right to a clean environment, house that has proper lighting and fresh air away from sources of pollution and anxiety, the right to safety in work, and the right to healthy food[124].

1.2. legal framework

A group of international legislations, conventions, and treaties ratified by Egypt regulate the right to health care, such as the International Declaration for Human Rights in paragraph 125, the International Convention on Economic, Social, and Cultural Rights in paragraph 12, the Convention of WHO, the treaty of Child Right, and CEDAW. Paragraph 16 in the Egyptian constitution assures that "the state provides cultural, social, and health services"[125]. Paragraph 17 states also that "the state provides the services of social and medical insurance and pensions for inability to work,

[120] International Convention on Economic, Social, and Cultural Rights, paragraph 12, point 1
[121] Ibid, paragraph 10, point 3
[122] Ibid, paragraph 7, point b
[123] Ibid, paragraph 13
[124] Egyptian Centre for Housing Rights, A Report on the Impacts of Cellular Phones' Stations, Cairo, 2000
[125] the constitution of Arab Republic of Egypt, paragraph 16

unemployment, and ageing for all citizens according to law"[126]. In addition, the law of social insurances 79/1975 includes the providing of a system for medical insurance and regulates that system[127].

2. The impact of structural adjustment policies on the right to health care

i. Role of the state

State negligence for its role in providing the economic, social, and cultural rights contributed to the withdrawal of the state from its role in providing the right to health care. Health expenditures did not exceed 1.5% of local production and 4.5% of total state budget[128]. Weak governmental expenditures, together with the increasing population, led to backwardness in the quality of the medical services in governmental medical units in spite of their big number. Following is the shortage in the different medical tools at the beginning of the nineties (1993):

1. Shortage in important medicines was 52.1% in urban areas and 82.3% in rural areas.
2. shortage in machinery was 51.6% and 70.3% respectively
3. shortage in doctors was 36.1% and 80.1%[129]

These big rates of shortage, in addition to low performance and low wages that push most doctors to work in private clinics of their own at night preferring to work give a better service in these clinics, led to more pressure on domestic medical units in mosques and churches. The health status of citizens suffered because of this backwardness. Following are some health indications in Egypt.

1. The proportion of the handicapped reached 11.05%:20.83% according to a survey that included four different economic levels. Proportion of the handicapped reached 38.28% among the old and the biggest proportion of the handicapped suffer children paralysis, while mental disorders come in the second place[130].
2. Rates of liver diseases witnessed a 60% increase during 1998 - 2003[131]

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[126] Ibid, paragraph 17
[127] Social Insurance Law, 1975 - 1995
[128] Centre for the Developing Countries Studies and Researches, Development in Egypt in 1999 – 2000. Cairo, 2001, p. 121
[129] Ibid, p. 121 - 122
[130] Ibid, p. 121
[131] Al-Akhbar newspaper, volume 16087, Sunday, November 16th 2003, Cairo, p. 4

3. Thirty seven percent of patients with heart problems under the age of 40 reached 37% of total heart patients and 10% are under 30 years.
4. Average age for diabetic diseases became 46 years according to a study that included 25 thousand citizens and continued for four years[132].
5. Rates of infection with the epidemic liver virus type "A" reached 80% of children[133].
6. Rates of infection with the epidemic liver virus type "C" reached more than 20% of citizens[134].

ii. medical reform programme

Ministry of health developed a medical reform programme in the second half of the nineties based on the following principles[135]:

1. Coverage of all citizens with a group of basic services
2. providing these services with proper prices
3. distribution of human and financial resources according to the needs of the population
4. improving the levels of the service in order to attain the trust and complacency of the society
5. continuity in providing the service[136]

iii. strategies of the ministry of health

Although the ministry of health declares that, the case treated on the expense of the state inside country increased from 69,506 cases in 1995 to 751,926 cases in 2001. Budget of treatment on the expense of the state reached 850 million pounds by the end of 2000 and more than one milliard pounds in 2001[137] for either treatment inside or outside the country.

The previously mentioned shortage in health care requirements clarifies the source of finance for the programme of treatment on the expense of the state. The government takes from the share of the governmental medical units responsible for the treatment of the poor in order to finance that programme. Thus, the poor carry the burden of the medical treatment provided for a part of the poor and even public personalities sent abroad as part of the same

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[132] Ibid
[133] Al-Ahaly newspaper, Wednesday, December 3rd 2003, Cairo, p. 3
[134] Ibid
[135] the ministry of health and population web site, www.odsc.gov.com
[136] Ibid
[137] Ibid

programme while the government gain much propaganda for itself as a protector of the right to health care.
The state succeeded in controlling some dangerous diseases, such as children paralysis, which recorded only three cases in 2000 compared to 97 cases in 1995, infant tetanus, which decreased from 643 cases in 1998 to 321 cases in 2001, and other diseases according to ministry of health[138]. There is another success in reducing the rate of infant mortality from 28.8 for every 1,000 a live births in 1996[139] (World Bank estimated the rate to be 44)[140] to 25 for every 1,000 a live births in 2000 – 2001. This success comes back to global developments not to a state of development in Egypt. That shows in the horrible increase in rates of infection in other diseases as we have previously mentioned. In addition, general infant mortality rate as surveyed by ministry of health does not reflect the enormous difference between the lowest rate in urban areas of the northern provinces, which represent 12% of total population (the rate is 44 for every 1,000 a live births), and rural areas in the southern provinces (rate is 119) in 1996[141]. It is highly thought that the ministry of health depend only on the numbers of big urban provinces where the rate is low because of a group of economic and social elements, such as educated mothers and health awareness among family members. This is the reason for difference in estimates of ministry of health and World Bank.

2.1.4. Governmental medical system

It consists of two sectors:
The first sector includes the hospitals of the ministry of health.
The second sector includes the hospitals of the public business sector and the semi-private sector, which includes medical insurance and the Medical Organisation. This sector takes a fair for the service, which makes it closer to the private or investment sector.
Number of beds during the nineties did not increase but by 4.8% of beds during the eighties in the hospitals of the ministry of health[142].

2.2. The role of the private sector

2.2.1. Size of the private sector participation

[138] Ibid
[139] Ibid
[140] Amr Hassan, the report of health status – medical system of Egypt, the health and environment development society in Egypt, Cairo, 1996
[141] Dr. Amr Hassan, Ibid
[142] a report on development in Egypt, Ibid

The private sector presents medical services through private clinics and small and investment hospitals[143]. The role of this sector increased during the nineties in the field of medical services because:

1. negligence of the state for its role and opening the field for private sector to take its place
2. allowing doctors to work in private clinics to improve their incomes as the state pushed doctors in this direction with the low wages it pays to them

Beds in the private sector increased with the percentage of 43.3% during 1992 – 1997[144]. About 50% of the beds in private sector are concentrated in urban areas[145]. About 63.5%:72.22% of patients go to private clinics and domestic small hospitals of charity in mosques and churches[146], as the service in these places is better whereas fairs are not much more.

2.2.2. quality of private and investment hospitals' services

Medical services in private sector follow the mechanism of offer and request and thus the quality of the service presented depend on the ability of the patient to pay. In a field study, published in the Report on Development in Egypt in 1999 – 2000,[147] the views of the research sample about medical services in private sector were as follows:

The first category of the research sample said that the private sector presents a good service but costs are very high and only the rich can afford to pay these costs.

The second category said that the private sector cares for nothing but the profits and the rich who can make these profits.

The third sector said that the private sector presents bad services for high costs. The main aim is to make profits out of the patient and not improving the health of the patient.

All these categories agree on the fact that this sector presents its services only for the rich. Only private small clinics may present some services for the poor with poor enhancements that cannot be of any use for dangerous diseases such as blood diseases and kidney failure. Thus, the medical position of the poor remains bad as they cannot depend on the governmental services and cannot pay for private ones.

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[143] Ibid
[144] Ibid
[145] Ibid
[146] Ibid
[147] Ibid

2.3. Indirect violations of the right to health care

i. Structural adjustment policies led generally to the violation of a group of economic, social, and cultural rights, such as the right to proper housing. The law 4/1996, which liberated the landlord/tenure relationship, violated this right[148]. This law led to depriving the middle and low social classes of the ability to pay for a proper house as the monthly rent values became 200:600 pounds[149] according to the space and area of the rented flat. Thus, the biggest proportion of population lives in improper houses without lighting, ventilation, infrastructure, or calmness in randomly built areas. Population in randomly built areas increased severely in the nineties and became 7:11 millions.

b. equal opportunities

Health indicators of Egypt do not reflect the enormous gab between urban suburbs, areas, and cities on one side and rural ones on the other side. While infant mortality rate in urban Northern provinces is 44 for every thousand births in 1996, the rate jumps horribly to be 119 in rural southern provinces[150]. It is the same thing for other indicators such as the age expected on birth and proportion of malnutrition diseases. The proportion of beds for citizens for example is 3.59:1000 in urban provinces, whereas it is 1.39:1000 in southern ones. Proportion of doctors is 1.27:1000 in urban areas and 0.74:1000 in the countryside. These numbers reflect an unfair distribution of available medical services[151].

[148] this law gives the determination of the rent value for offer and request rules: refer to the part on the Right to Housing
[149] Egyptian Centre for Human Rights, replying to the governmental report, Cairo, 2000
[150] Dr. Amr Hassan, health status in Egypt, Ibid
[151] Ibid

c. Integrity and quality of the medical system of Egypt

The medical system of Egypt has a colossal infrastructure compared to economically equal countries and even advanced ones, but the lack of co-ordination among the different contents of this system, as well as with other related sectors, weakens the ability of this system to present integrated medical services[152]. It is worthy of mentioning that the lack of co-ordination is due to the increasing backwardness of the role of the state in this field giving a bigger space for the private sector and market law. The absence of a clear medical policy developed according to the priorities of needs of the people leads to more weakness in the integrity of the medical services that concentrate on certain aspects and neglect the rest of the urgent needs of people[153]. The medical insurance system on the other side serves only a limited number of social categories[154]. It is a clear contradiction that the state applies a system to restore the expenditures from the insured categories and the services is still bad and limited (refer to the shortage in medical services' contents)

The applied technology does not depend on certain priorities and does care for the economic usefulness. Expenditures do not cover the needs of maintaining the service and salaries absorb a big part of the budget though they are not big and do not form a motive for work[155]. The managerial department cannot work efficiently because of the intervention with the technical department.

Governmental expenditures represent 29% of total social expenditures and citizens pays 56% of health care costs although the government restores what it pays. The biggest part of the expenditures goes for drugs (30.25%) and then come hospitals with the percentage of 23.03%[156].

That causes a state of randomness, chaos, and domination of the principles of making profits in the field of health care. It is a very dangerous thing that leads to depriving of the poor of their right to enjoy physical and mental health in Egypt. Percentage of the poor (40% - 50%)[157] and violations of other rights, such as the right to work, education, and housing refer to the fact that a big part of the Egyptians suffers the absence of this right. Some non-official statistics as well give average numbers about rates of infection

[152] Ibid
[153] Ibid
[154] Ibid
[155] Ibid
[156] Ibid
[157] A Report on Development in Egypt in 1999-2000

for different diseases, such as kidney diseases and other diseases in the congestive system, heart diseases, and psychological and mental diseases.

5. Health indicators in Egypt

3.1. Age expected on birth

The age expected on birth in Egypt was 66.3 years in 1997[158]. It is relatively low when compared to medium-growth countries. The gab between this number and that of advanced countries is very big. It is more than 11 years in spite of the improvement in health indicators in Egypt when compared to other developing countries, as these indicators express the mere availability of services regardless the quality. Individual share in health expenditures was 124 dollars in the prices of 1998[159], but the continuous decrease in the value of the national currency since 1998 until now, which is about 40 – 50%, together with the frozen health share in the budget indicates the severe decrease in reduction in actual individual share in expenditures. In addition, the severe increase in cancer, which reached 60% in five years, as well as the spread of hard and diabetic diseases in small ages (about 40 years),[160] must all enforce fears on health status in Egypt.

3.2. Infant mortality

The rates of infant mortality improved between 1994 and 1997, and reached 63 cases for every 1,000 births in 1997, whereas the rate of mortality of children under five years old increased from 51 cases in 1995 to 73 in 1997 and then became 69 in 1998. It is a confusing indicator and may refer to inaccurate governmental information in 1995[161], as there is no clear evidence on this sudden increase in mortality of children under five in 1997

3.3. Availability of medical services

Percentage of those who have pure water between 1990 and 1996 was 64% while it was 90% in 1980:85[162]. That shows more backwardness in the role of the state in providing the basic rights of population. Housing in random areas and poor villages and suburbs generally lacks many requirements of healthy housing such as proper ventilation, lighting, space, and sanitary drainage. Eleven percent of population on average do not have any medical services[163] according to the governmental estimates. These estimates are

[158] Ibid
[159] World Bank, Development Indicators in Third World Countries, 2001
[160] Al-Akhbar newspaper
[161] Ibid
[162] Development indicators in 2001
[163] Ibid

greatly doubtful, as the government is used to underestimating the disadvantages and exaggerating the advantages. Egyptian newspapers for example published, during the months of July and August 2003, news on the spread of a kind of fever in more than one village in the province of kafr Esh-Sheikh[164], but the government denied that. Thus, we should handle governmental numbers carefully. When the government says for example that the antidote of children paralysis[165] protects (98%) of children, we know that cannot be true, as the handicapped represent 13%[166] of population and the rate of infant mortality as well.

3.4. Future danger

The percentage of anaemia among pregnant women is 24%, the percentage of low-weight children is 12%, and children suffer malnutrition is 12%. All these indicators refer to the coming danger[167]. In addition, the increasing rate of importing the genetically engineered food and agriculture, due to corruption in importing processes, is another indicator of the dangers facing health in Egypt. Last years witnessed increases in the rates of distorted and cancer babies. In spite of the absence of statistics on these rates, the evidences on high rates are clear in the lawsuits against the imported pesticides that caused cancer after usage in some provinces. In addition, there is no clear environmental policy in Egypt although there is a ministry responsible for environment. Government cannot develop policies to combat environmental pollution. Black clouds for example, which appeared in the sky of Egypt at the beginning of autumn of every year from 1998 to 2003 and cause many chest diseases, show the inability of the government to take any firm measures to stop this clouds in spite of the declarations that the reasons are known.

3.5. Vocational health

This field suffers a severe backwardness in spite of the legal texts that protect vocational health and put constraints against violating it. Available information on this sector, mentioned in the section of the right to work in the provinces of Giza and Beni Sweif, assure the severe negligence that workers in Egypt suffer[168]

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[164] the newspapers of Al-Araby, Al-Osboa, and Cairo in July and August 2003
[165] Ministry of Health web site
[166] the health status in Egypt
[167] Development Indicators
[168] refer to the right to vocational safety in the section of the right to work

3.1. Other violations to the right to health

Spreading cellular phones stations, which are not away enough from human gatherings represent a big reason for a big part of the population to be afraid. In addition, the government does not adopt a project to study and analyse health risks of exposure to electromagnetic fields[169]. In addition, the government did not participate in the international project of electromagnetic fields of W.H.O and insisted on hiding the information about this problem[170]. The triangular protocol of the ministries of health, environment, and communications appeared in 2000, four years after the beginning of the service of cellular phones and after setting more than 1,000 stations[171].

There are also the risks of TV and radio broadcast stations. The village of Batra contains 14 radio waves towers that led to a disaster in the village represented in the following increases in diseases:

Distorted babies 372%, skin allergy 323%, continuous headache 374%, Festering knuckles 402%, chest allergy 153%, blood pressure diseases 120%, congestive system diseases 81%, and sight weakness 76%

These numbers are from a study in which Dr. Fadel Mohammed, the professor of biophysics in the faculty of science in Cairo University, participated[172]. These increases may come back to other possible elements related to the bad conditions in the village, but these conditions are the same in generally all Egyptian villages and that makes radio waves the first, if not the sole, cause of these increases.

Summary:

1. Since the seventies until now, the state has been ignoring increasingly and gradually to provide the right of people to enjoy physical and mental health leaving the field for private sector, which cares mainly to make profits from patients regardless the right of the poor to medical services.
2. Health policy of the state is characterised by the absence of a clear goal giving the sense that the state wants to get rid of the health budget though it is too small.
3. Weak salaries of doctors and workers in medical sectors make them frustrated and unwilling to work and thus they treat patients badly most of the time. Mental and prisoner patients suffer severe violence as they are a burden that the workers in this field want to get rid of all the time (refer to the part of ill-treatment)

[169] Egyptian Organisation for Housing Rights, the Impacts of Cellular Phones' Stations
[170] Ibid
[171] Ibid
[172] Ibid

4. In spite of the apparent improvement in health status indicators in Egypt compared to the seventies and eighties, there are fears of a bad position that enforces itself any time in Egypt because of the imported food and imported agricultural and food production systems that are harmful to people, in addition to the corruption in this field. The bad condition of infrastructure and housing in randomly built areas and in the countryside, unfair distribution of health expenditures and bad planning are threatening of a big failure in health status in Egypt.
5. The apparent improvement in indicators does not reflect the gab between rich and poor areas that the state ignores.
6. The state must reconsider many matters related to the protection of the right to health care putting in mind the social and human aspects and the necessity of human development for high development rates.
7. It is necessary that the state interfere in order to determine a maximum for the prices of the services presented by the private sector, and the prices of drugs and other medical tools as well.
8. It is necessary to develop a true data base and an information management policy in order to determine the size and type of health problems in Egypt and find a solution for these problems
9. It is necessary to apply a strict and effective inspection on all activities related to the right to health and spread health awareness.

Table (1)
A statistical brief on geographic distribution of medical services provided in Egypt

	Urban provinces	%	Northern provinces	%	Southern provinces	%	Coast provinc-es	%	Total	%
Population (in thousands)	11,280,345	20.3	24,202,150	43.2	19,838,108	35.4	654,305		55,974,917	100
No. of medical units with beds										
Public hospitals	65		496		411		23		1,005	64.9
Research	8		3		5		0		16	1.0
University	22		7		2		0		31	2.0
Medical Organisation	18		2		0		0		20	1.3
Medical insurance	9		8		7		0		24	1.5
Private	234		90		126		3		453	29.2
Total	356	23.0		39.1	551	35.6	36		1,549	100
No. of beds										
Public hospitals	15,226		31,095		21,524		1,441		69,286	63.4
Research	2,020		1,578		1,056		0		40,654	4.3
University	10,054		3,962		1,359		0		15,357	14.1
Medical Organisation	4,553		293		0		0		4,846	4.4
Medical insurance	2,886		1,160		1,101		0		4,949	4.5
Private	5,988		1,677		2,477		14		10,156	9.3
Total	40,529	37.1	39,865	36.4	27,517	25.2	1,455	1.3	109,266	100
For every	3.59		1.64		1.39		2.22		1.95	

100						
Doctors						
Ministry	14,274	18,065	14,681	2,191	48,239	43.9
Others					61,569	56.1
Total					109,808	100
For every 1,000		0.75	1.86	1.86	0.86	
Nurses						
Ministry	11,082	30,058	16,317	1,205	58,662	54.7
Private					48,652	45.3
Total					107,287	100
For every 1,000	0.98	1.24	0.82	1.48	1.05	
Pharmacists						
Ministry	1,433	929	777	66	3,205	10.2
Private					28,070	89.8
Total					31,275	100
For every 1,000	0.13	0.04	0.04	0.10	0.06	
Dentists						
Ministry	2,540	2,832	1.875	138	7.358	52.5
Private					6,684	47.5
Total					14,069	100
For every 1,000	0.23	0.12	0.09	0.21	0.13	

Source: Medical Status in Egypt

Table (2)
Total beds in hospitals

	1993	1994	1995	1996	1997	1998	1999	2000
Ministry	67,198	65,200	66,931	66,931	69,093	70,470	72,054	74,496
Other public hospitals	20,527	20,442	22,638	22,638	23,691	24,871	38,784	28,882
Universities	15,003	14,792	16,941	16,941	17,803	1,882	17,679	18,895
University students	185	180	193	193	184	280	380	280
Police	181	342	242	342	543	543	183	1,080
Prisons	504	474	474	474	473	473		
Research hospitals	397	397	3,923	3,923	3,923	3,869	4,394	4,214
Medical institutes	747	747	765	765	765	884	1,051	1,042
Public sector	1,134	11,181	11,838	11,838	12,211	12,785	14,203	13,371
Medical insurance	4,925	4,949	5,651	5,651	5,957	6,380	6,523	6,732
Medical Organisation	4,888	4,801	4,771	4,771	4,856	5,477	5,518	4,417
Railway	405	317	323	323	323	346	371	371
Other organisations	1,126	1,114	1,093	1,093	1,075	1,583	1,782	1,851
Private sector	10,140	11,183	11,613	11,613	12,238	14,545	15,259	18,804
Total	109,209	108,006	113,020	113,020	114,580	123,671	178,084	174,435

Source: Report on Human Development in Egypt, p. 1222

Table (3)
Health indicators in Egypt

Age expected on birth in 1995 (years)	64.8
Age expected on birth in 1997 (years)	66.3
Age expected on birth in 1999 (years)	66.7
Proportion of the expected to die before the age of 40 in 1990 (%)	16.6
Proportion of the expected to die before the age of 40 in 1997 (%)	12.4
Infant mortality rate in 1994 (for every 1000 alive births)	63
Infant mortality rate in 1997 (for every 1000 alive births)	54
Children under 5 death rate in 1995 (for every 1000 alive births)	51
Children under 5 death rate in 1997 (for every 1000 alive births)	73
Children under 5 death rate in 1998 (for every 1000 alive births)	69
Percentage of children under 5 who suffer weight shortage (1990 – 1998)	12
Mothers mortality rate (100,000 births until 1990)	170
Percentage of health expenditures to total national production (1990)	1
Degree of providing medical services during 1990 – 1995 (%)	99
Tuberculosis cases for every 100,000 citizens in 1994	6.4

Source: Ibid, p. 210

Second part:
State sponsored violence

Introduction:

Violence has become a basic feature of the modern society. With the increasing social and class variability in society, social tensions increase. Such tensions are manifested in several forms of violence, the most intensive of which is when the state with its military and institutional machinery intervenes in violence. The intervention of the state in violence as a representative of the interests of a certain social class does necessarily imply the violation of the rights and freedoms of other classes. Official violence might be defined as the violations committed by the state through its agencies against the citizens and the consequent deprivation of the human rights e.g. the right to life, the right to the integrity of the human body, the right to freedom and personal safety and other civil and political rights as established in the international conventions.

The phenomenon of official violence – on the part of the state – has recently been aggravated worldwide due to the spread of social disparities due to the economic crises undergone by the world system over the last decade. However, the situation worsens in the more destabilized Third world which undergoes critical periods of transformation in its economic and social structures. Economic crises and development tumbling are directly reflected in grave social disturbances. On the one hand, the state usually becomes a direct party in such tensions particularly when the situation gets out of control. On the other hand, the atmosphere of political and economic corruption prevailing in the state provides a suitable environment for the increase in official violence.

Egypt is part of this world situation and with particular features among the Third world state, pertaining to its political, economic and social development. Hence, it is imperative to identify the various forms of violence directed to the citizens by the Egyptian government and the consequent violation of their political, economic and social rights. Monitoring the development of this phenomenon over the past decade is an indication of the intensity of the social crisis in Egypt over the years of transformation to capitalism. This part displays the development of official violence in Egypt over the last decade.

Chapter 1: Incidence of torture

The phenomenon of torture - like other degrading social phenomena – is not alien to the Egyptian society. It is rather a world phenomenon, even a historical one which took a regular form with the historical development of political authority. As long as there is a governor and a subject, powerless subjects will always undergo persecution. Over history, such persecution took several forms which human rights activists used to categorize according to the kind of violation of human freedoms they imply. Violations usually befall the right to life, the right to the integrity of the human body, the right to freedom and personal safety and other human rights.

The crime of torture is the most awful of the crimes affecting the human dignity and violating the sanctity of the human body. Despite the fact that torture persists, on the governmental and non-governmental levels, torture as practiced by the state agencies (particularly the police) is the most widespread and regular in the everyday life of the Egyptian society.

The crime of torture is not without basis, but it is the outcome of the current political, economic and social situation. With the absence of democracy and the spread of autocracy, the restrictions on the freedoms of individuals violating their humanity increase. It is obvious that the political and economic crisis undermining the Egyptian society for long decades is too deep; it has even been aggravated over the few past years with the adoption of new liberal policies under the name of economic reform and structural adaptation. Consequently, a crushing social crisis emerged in the Egyptian society. Such atmosphere had its negative impacts on the issue of human rights in Egypt. 22 years have passed with the Emergency Law in force since 1981 and it was renewed for more three years until May 2006 – providing a suitable environment for violations of human rights and public freedoms and the humanity of the Egyptian citizen. The centers and organizations working in the field of human rights monitored the continuation of torture in the custodies in Egypt and torture that leads to death. In this part of the report, the phenomenon of torture will be tackled together with its dimensions and development over the past years 1998 – 2003.[173]

1- What is torture?

Article 1 of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that: " *For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a*

[173] See LCHR report, *Emergency and Democracy in Egypt*, August, 2003

public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."[174]

Based on the definition, three basic features of torture can be identified:

1. Severe pain or suffering, whether physical or mental
2. Such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity
3. For such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed

There are other terms with varying degrees, yet not to the extent of torture e.g. cruel, inhuman or degrading treatment. With the exception of torture, other forms of ill treatment are not necessarily employed for particular reasons; however, there should be the intention to inflict the results of such kind of treatment on those who are being maltreated. Accordingly, the basic elements of ill treatment that does not reach violence are:

- Severe pain or suffering, whether physical or mental
- Such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity[175]

2- The Emergency Law and Torture:

Despite the fact that Egypt is a signatory to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the necessity to repeal the Emergency Law, the Egyptian government did not implement any of such procedures. Article 2, paragraph 2 of the said convention stipulates that: "*No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture*." This is an indication of the total prohibition of torture even in the case of war. This was further emphasized in the International Covenant on Civil and Political Rights, Article 4 prescribes that: *" In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin*."

Paragraph 2 of the said Article states that: "*No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision*." The

[174] Article 1 of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

[175] *National and International Instruments against Torture*, the Human Rights Association for the Assistance of Prisoners, Said Abdel Hafez

enforcement of the Emergency Law allows the state further authorities that would provide a suitable environment for the practice of torture.[176]

It is well established that custodies are not subject to effective judicial supervision so that it can eliminate the practice of torture or ill treatment of the detainees by the security forces.[177]

3- The Crime of Torture in the Egyptian Legislation:

Egypt has signed some of the international instruments on human rights. Hence, such instruments become part of the internal legislations of Egypt and are deemed as internal laws as long as they are ratified by the Egyptian Constitution.

Article 3 of the Universal Declaration of Human Rights states that: "*Everyone has the right to life, liberty and security of person*." Such rights are ensured by the international instruments and are enforceable by virtue of Article 151 of the Egyptian Constitution. Moreover, Article 7 of the International Covenant on Civil and Political Rights stipulates that: "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation*." Article 6 of the same covenant states that: "*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*."

Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that: "*Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*."

In spite of all the above mentioned instruments and the provisions of the Egyptian legislation, the Constitution still includes some Articles authorizing officers to arrest or detain people. Moreover, penalties for the crime of torture, if proven, are weak and inefficient.

While the International Convention against Torture defined torture as mentioned above, Article 6 of the Egyptian Penal Code tackles only one case – the attempt of a public official to obtain confession through torture. It was proven that policemen in Egypt are used to committing torture for various reasons, obtaining confession may not be among which. [178] Torture may be committed in order to obtain information, sometimes for retribution … etc. A fact manifested by the spread of detainees under the provisions of the Emergency Law. There are no specific cases or reasons that they get tortured for. Instances for this might be like:

[176] LCHR, *Democracy and the State of Emergency in Egypt*, 2003
[177] *The Price of Dignity*, Human Rights Association for the Assistance of Prisoners, 2002
[178] *In Defense of Human Rights*, The Egyptian Organization for Human Rights (EOHR), vol. 7, p. 152

- Torturing detainees in order to get information about their groups, aims, means and the political map of such groups.
- Torture is usually practiced in the wake of actions of violence in order to oblige the detainees to provide security agencies with information that would help in identifying the perpetrators and the places where they might be hiding.
- Torture is usually practiced as a continuous habit against the detainees while arresting them or through the so-called "reception ceremonies" – the regular torture which the new prisoners undergo when they arrive at prisons or through the periodical inspection campaigns of prisons by the aim of terrifying the newcomers. [179]

The provision of Article 129 of the Penal Code provides a weak punishment; "*Every official or public employer or every individual entrusted with a public service using cruelty against people invoking position so that such official dishonored or caused pains to their bodies shall be sentenced to no more than one-year-imprisonment or shall be bailed no more than LE 200.*"[180]

On the other hand, the law denies victims of torture the right to direct litigation. Article 323 of the law on Criminal Procedures granted each civil claimant the right to "*file his case directly by affording his opposing party by making him appear before the court*." However, Article 2 of the said law banns the prohibits the civil claimant from filing his case by means of direct litigation in case that his case is filed against an official or employer or one of the policemen arresting him for a crime committed by him while performing his job or due to it. Articles 162 and 210 of the said law banned appealing the rulings passed by the examining magistrate or the public Prosecution in filing criminal cases or whether they are passed in a charge directed against a public official while performing his duty or due to it.[181]

In addition to this carelessness in considering the cases of torture and illegal detention, only few number of the reports submitted by the human rights organizations to the Public Prosecutor have has been considered – an indication that the legislative atmosphere in Egypt provides opportunities for the whip lashers to evade penalty and to push thousands of citizens to the cells of torture.

1- The Reality of Incidence of torture:

There is unanimity among the international and national reports by the organizations working in the field of human rights that the phenomenon of torture is growing in Egypt. What is even worse is that torture is being used systematically and regularly by the security forces against the political or criminal detainees. The 2002 report by Amnesty International emphasizes that "Torture is still mushrooming in the custodies all over the country. The UN Special Rapporteur on Torture concluded that the Egyptian security forces, particularly the state security prosecution, are used to practicing torture. The most

[179] *The Price of Dignity*, The Human Rights Association for the Assistance of Prisoners, 2002
[180] *Torturing Peasants in Egypt*, LCHR, 1998
[181] EOHR, ibid, p. 153

recurrent methods of torture are shocking with electricity, battery, and hanging by the fists or the ankles, in addition to the various forms of psychological torture through the threat of murder, rape, or sexual abuse of the detainee or his female relatives. The victims of torture belong to the various factions of society among who are political activists and detainees in criminal investigations."[182]

It is noticeable that torture in detention places in Egypt spreads in the wake of social tensions as a kind of collective punishment. This happened in several instances e.g. while implementing the law of evicting peasants. Due to the said law almost one million peasants lost their agricultural lands after delivering them to the landlords in 1997 as they were evicted from their lands.[183] In its 1998 report, Amnesty International recorded that hundreds of people opposing the new agricultural law were detained, among who were prisoners of conscience and others. In June, Hamadin Sabahi, a journalist, Mohammed Abdu, a veterinarian, Mohammed Soliman Fayaad and Hamdi Heikal, lawyers, were arrested due to their opposition to Law No. 96. The said four prisoners of conscience were detained in Torah prison as they were kicked, battered by sticks and whipping for hours, as alleged.[184]

Besides, the information collected by the Arab Organization for Human Rights (AOHR) about the incidents in Al Koshh village in the mid 1998 and the incentive campaign aiming at spreading schisms amongst the Muslim and Christian citizens. During these incidents, security forces committed various torture and ill treatment against the citizens – both Muslims and Christians.[185]

Reports point out that torture is committed against detained suspects or the wanted in the so-called "policy of detaining hostages". Security men, without any right, arrest the father of the suspect or the wanted or (a brother, a wife, or other relatives) as hostages in order to compel him to confess or to give him self up to the police. Moreover, this is the case in order to oblige them to provide information that would help in arresting or charging him. For instance, on September 6, 1998, officers of the Kasr El Nil police station arrested 12 citizens of the same family and tortured them as one of the members of the family had broke into the house of a lady who has close relations with the police.

2- Incidence of torture in 20 years:

In a study by the Human Rights Association and Assistance for the Prisoners on the crimes of torture over 1981 – 1999 in which it monitored 1124 case, it was found that 1995 witnessed the largest number of crimes of torture in political cases, 185 cases. This does not necessarily mean that this year was the most in which torture was practiced in Egypt; torture might be a daily practice in Egypt in the known and unknown detention places. [186]

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[182] *2002 Report by Amnesty International*, Egypt part
[183] *The Conditions of Peasants*, LCHR, May 2001
[184] *1998 Report by Amnesty International*, Egypt part
[185] *AOHR Report on the State of Human Rights*, 1999
[186] *The Price of Dignity*, The Human Rights Association for the Assistance of Prisoners, 2002

The following table illustrates that the rime of torture did not cease until 2003. The data about the incidents in 2000 – 2003 was collected by the Land Center for Human Rights (LCHR). At the end of this chapter, enclosed is a table defining the names of victims and their social background.

Table (1) Cases of Torture (1981 – 2003)

Year	Number of Cases of Torture
1981	109
1982	20
1983	3
1984	4
1985	1
1986	8
1987	24
1988	35
1989	56
1990	73
1991	50
1992	56
1993	130
1994	173
1995	185
1996	119
1997	54
1998	21
1999	3
2000	11
2001	20
2002	18
2003	12
Total	**1181**

Note: These cases are not all cases of torture over the period identified, they are rather the cases enumerated in the reports of the human rights organizations. Moreover, the cases of torture against peasants are not included; they are mentioned separately at the end of this chapter.

The increase in numbers over the second half of the 1990s might be due to the escalation of the phenomenon of terrorism and the conflict between the security forces and the militant Islamic groups in the mid 1990s and the increase in the number of detainees of

such groups and using the most horrible means of torture in order to horrify them and to compel them to make certain confessions.

The study which monitored the phenomenon until 1999 indicate that there other more grave facts relating to the increase in the number of unknown places where torture is practiced as they reached 32.47% of the total of cases of torture, 365 cases. The year 1995 reached the highest rates of torture in such places, 16.98 % amounting to 62 cases of torture. Moreover, the study indicates that Cairo is on top of the cases of torture by 302 cases, 26.86% of the total of cases.

Table (2) Cases of Incidence of torture

Year	No. of cases of torture	Places for recurrent torture			Most governorates to which victims of torture are referred		
		Place	Number	Percentage	Governorate	Number	Percentage
1981	109	Unknown	41	37.71%	El Menya	27	24.77%
1982	20	Unknown	9	45%	Cairo	6	30%
1983	3	Torah reception	2	66.66%	El Fayoum	2	66.66%
1984	4	Torah reception	3	75%	Cairo/ El Gharbya	2	50%
1985	1	Torah reception	1	100%	Cairo	1	10%
1986	8	Unknown	3	37.5%	El Menya/ Assiut	2	25%
1987	24	Torah reception/ unknown	9	37.5%	El Menya	12	50%
1988	35	Torah reception	18	51.42%	Cairo	13	37.14%
1989	56	Torah reception	28	50%	Cairo	11	19.64%
1990	73	Torah reception	47	64.38%	El Menya	34	46.57%
1991	50	Torah reception	35	70%	Cairo	17	34%
1992	56	Torah reception	33	53.63%	Cairo	26	46.42%
1993	130	Torah reception	66	50.76%	Cairo	55	42.30%
1994	173	Torah reception	109	63%	Cairo	56	32.36%
1995	185	Torah reception	98	52.97%	El Menya	57	30.8%
1996	119	Torah	68	57.14%	Cairo	23	19.32%

		reception					
1997	54	Torah reception	31	57.40%	Giza	14	25.925%
1998	21	Unknown	14	66.66%	Cairo	11	52.38%
1999	3	Unknown	2	66.66%	Cairo	2	66.6%

(Source: The Price of Dignity, the Human Rights Association for the Assistance of Prisoners, 2002)

Table (3) Cases of Incidence of torture 2000 – 2003

Year	Number of cases	Places for recurrent torture	Governorates
2000	11	Police stations	Cairo/ Giza
2001	20	Police stations	Cairo/ Giza
2002	18	Police stations	Cairo/ Giza
2003	12	Police stations	Cairo/ Giza

(Source: tables prepared by LCHR researchers, enclosed in the end of this part with the cases of torture with the exclusion of the crimes of torture in the countryside against the peasants.)

3- Various means of Torture:

It was difficult to enumerate the means of torture employed in the various monitored cases. This is basically due to the many means of torturing. A study conducted over the period from 1981 – 1999 categorized the means of torture into 12 kinds as follows:

1- Physical battery (by hands, feet and all parts of the body).
2- All other forms of battery by using: sticks, whips, bamboos, electric wires, iron chains, etc.
3- Libel and slander.
4- All forms of physical and moral abuses e.g. taking off the clothes, rape, threat, shaving beards, squeezing nipples, sexual abuse by any other means and the obligation to take on female names.
5- Letting hounds loose on the victims of torture in order to eat parts of their bodies.
6- Hanging in all its forms (on El Arosa, a wooden set that ensures the victim be hanging for long hours, or on pieces of iron, on windows and doors or to stand still for long periods of time.)
7- Shocking with electricity.
8- Prohibition of food and drink; malnutrition, imprisonment in narrow cells, banning the detainees from accessing the WC – all the health conditions and personal rights of the detainee in his cell.)
9- Extinguishing dog ends in the body of the victim and in sensitive parts of the human body.

10- Torturing with boiling water.
11- Standing for long hours under the scorching sun. [187]

Table (4) Use of Various Means of Torture

Means of Torture	Numbers of Use	Percentage
1. Battery by hands and feet	728	26.52%
2. battery by sticks and whipping by iron chains and whips	933	20.59%
3. Libel and slander	53	18.56%
4. Shocking with electricity	389	11.60%
5. Physical and sexual abuse	352	10%
6. letting hounds loose	21	7.25%
7. enclosure in all its forms	255	5.08%
8. Deprivation from food and malnutrition	179	.59%
9. extinguishing dog ends	3	-
10. Ironing	1	-
11. standing in the burning sun	1	-
12. torture with boiling water	2	-
Total	3517	

(Source: The Price of Dignity, the Human Rights Association for the Assistance of Prisoners, 2002)

Considering the previous table, there are two major points to be pin pointed:
First: what is common among the victims of torture is that they are rarely subjected to one kind of torture. It is almost impossible that one victim was tortured by single means – the reason behind the huge number of the cases of torture, 3517 cases. By dividing this number by the number of cases, it would be illustrated that each citizen is tortured by an average of three means of torture over the times of torture during these years.

Second: In identifying the average of the means of torture per year, it would be noticed that certain years are characterized by excessive resort to torture, despite practicing torture all over the above mentioned years. As specified above, the average of the means of torture to which a victim is usually subjected is three means. However, by analyzing the cases of torture in certain years, it is noted that in 1983, a single victim was subjected to 7 means of torture, in 1998 and 1999 an average of 4,66 means of torture for a victim,

[187] *The Price of Dignity*, The Human Rights Association for the Assistance of Prisoners, 2002

in 1991 by an average of 4,12 and then in 1981 and 1989 by an average of 3,71 and 3,06 successively.

4- Various Dimensions of the Crime of Violence in Egypt over the past 5 years:

It was hard to record all the cases of torture that took place inside the police stations and custodies in Egypt. The human rights organizations in Egypt have monitored that torture is practiced in almost all custodies in Egypt, its methods are almost the same and its victims include men and women in all ages. Moreover, such crime is committed against not only the detainees in political cases, but also against suspects in criminal cases even with the lack of evidence. However, it is almost certain that the actual number of the victims of torture might be double the number monitored by the human rights organizations with respect to the poor without a political background e.g. labourers, peasants and professionals. In this context, it is imperative to highlight the collective penalties inflicted by the security forces in 1997 – 1998 in dozed villages in Egypt and torturing hundreds of peasants. This will be handled in detail in the parts related to the peasants at the end of this part and in the case study.[188]

Such poor factions fear the retribution of the perpetrators of policemen; accordingly they refrain from filing cases against them. There are several reasons that hinder the victims from filing cases e.g. they are threatened to be tortured again together with their family members and to be charged with forged charges whenever they dare to file cases. There are many instances for this; the victims after such horrible experience find themselves facing a repressive and ruthless system. Consequently they prefer safety to the potential recurrence of that awful experience. What is problematic is that such systematic torture achieves its goals in most cases i.e. destroying the morale of the victims, degrading their dignity to the extent that the victim completely loses confidence in himself, society and law. The victims lose hope in future and in life itself so that he gets desperate and there is no opportunity to avenge himself against his torturers.

Some victims might have a tendency to file cases against their torturers, yet financial means fail them. The rich are never subjected to torture, it is only the poor who face such degrading crimes as the avenging cases cost too much. It is believed that the analysis of all the available cases and putting them under scrutiny would help answering the following questions:

First: The agencies practicing torture.
Second: The social dimensions of the crime of torture.
Third: Forms of torture.
Fourth: Various impacts of torture.
Fifth: The reasons behind torture.

First: The agencies practicing Torture

a. Police Stations:

[188] *Torture of Peasants in Egypt*, LCHR, 1998

Under the rule of emergency, the policemen had a free had in the security of citizens and on their lives. The police stations have turned into haunted houses which citizens fear to enter even to file a complaint and not as a defendant. As a citizen might enter the police station complaining and exits as a defendant with several charges, get savagely tortured and even dies due to torture in order to confess such crimes. [189]

In recent years, torture is being systematically practiced in the police stations. Based on the tables enclosed, there is not a single police station in Egypt where torture has not been practiced. Moreover, the means of torture are similar in almost all places. Torture is sometimes practiced in order to obtain confession to certain charges or to political purposes. It was found out that torture mushrooms as a kind of compliment to some friends, officials, rich individuals or to retaliate against the victims. In a report by the Nadeem Center for Treatment and Rehabilitation for the Victims of Violence, it monitored the police stations where torture is practiced – an indication of the spread of crime all over the country.[190] Governorates being not included in this table do not mean that torture was not practiced there, but the research covered the mentioned governorates only.

Table of the Police Stations Practicing Torture

No.	Police Station - Governorates	Number of victims
1.	Helwan Police station – Cairo	18
2.	El Zawya El Hamra police station – Cairo	16
3.	Manshiyet Nasser police station – Cairo	8
4.	El Basatin police station – Cairo	5
5.	El Salam Polica station – Cairo	3
6.	Giza security directorate - Giza	3
7.	Bulaq El Dakrour police station – Giza	2
8.	Imbaba Police station – Giza	2
9.	Cairo security directorate – Cairo	2
10.	Helioplois police station - Cairo	2
11.	Dar El Salam police station – Cairo	1
12.	El Warraq police station – Giza	1
13.	El Matarya Police station – Cairo	1
14.	Rodel Farag Police station – Cairo	1
15.	El Manyal Police station – Cairo	21
16.	Al Sharabya Police station – Cairo	1
17.	Haddaeq El Kobba Police station – Cairo	1
18.	State Security, Lazoughly – Cairo	1
19.	El Ma'adi, State Security – Cairo	1
20.	State Security, Nasr City – Cairo	1
21.	State Security Training Camp, Torah – Cairo	1

[189] *The Situation of Human Rights in Upper Egypt under the extension of the Emergency Law*, LCHR, 2001
[190] *Incidence of torture*, Al Nadeem Center for the Rehabilitation of the Victims of Violence, p. 144

22.	Zagzig First police station	9
23.	Menya El Basal Police station – Alexandria	13
24.	Muharam Bey Police station – Alexandria	1
25.	Farascoor Police station – Damietta	3
26.	El Manshya Police station, Banha – Qaliubya	3
27.	Qaliub Police station – Qaliubya	2
28.	Shubra El Kheima Second Police station – Qaliubya	1
29.	Dokki Police station – Giza	1
30.	El Mohandeseen Polie station – Giza	1
31.	El Ayaat Police station – Giza	2
32.	Billa Polie station – Daqahlia	1
33.	Minyet El Nasr Police station – Daqahlia	92
34.	Talkha Police station – Daqahlia	1
35.	Menia El Kamh Police station – El Sharqyia	2
36.	Zefta Police station – Gharbya	1
37.	Senorus Police station – El Fayoum	2
38.	El Fayoum Police station – El Fayoum	28
39.	El Fayoum Police station, Qouta village, El Fayoum	15
40.	El Qareen Police station – Abu Hammad El Sharqyia	2
41.	Kom Ompo Police station – Aswan	1
42.	El Wasty Police station – Beni Suiff	1
43.	State security – Port Said	2

(Source: Incidence of torture, Al Nadeem Center for the Rehabilitation of the Victims of Violence)

b. Prisons:

1- Men prisons:

Prisons come second to government agencies where torture is widely practiced. Through Law No. 396 of 1956 on the conditions in prisons, the Egyptian legislator provided some principles and rules for the treatment of prisoners which were adopted by the UN General Assembly in 1955 which are considered the comprehensive regulation of human rights for ensuring the minimum for treating the prisoner as a human being. Such rules helped putting a better vision for the situation of prisons. However, reality remains far form such rules and principles – a direct violation of human rights. This is illustrated in the reports by the Human Rights Association for the Assistance of Prisoners from 1997 to 2000 as they indicate a sharp deterioration of the situation in Egyptian prisons e.g. ill treatment, deprivation from education, lack of health care in addition to the physical abuse to which the prisoners are subjected through the various means of torture. The said reports have monitored the situation of prisoners in some prisons of which are the following:[191]

The New Valley prison: (an example)

[191] The Human Rights Association for the Assistance of Prisoners, reports over 1997 – 2000, Cairo, 2001

The prison contains a disciplinary part comprising 15 cells with the space of 2 m. x 1 m. per cell. There are no lanterns and they are dark the whole day. Disobedient detainees are deposited into these solitary cells without WC. The WC is outside the cell and when the detainee asks for going to the WC, he is denied such right and is obliged to urinate or to reply the call of nature on the ground of his narrow cell. At this point an officer enters the cell and orders the prisoner to paint the walls of the cell with his wastes. Afterwards, a sergeant brings him some beans or lentils and three loaves of bread on the ground and closes the door. The said reports point out that this happens in the so-called:

1- Reception ceremonies in prisons.
2- Inspection campaigns by the Prisons Directorate and the administrations of prisons.

Ill treatment is usually there during visits. The concept of "reception ceremony" is welcoming the new prisoners and political detainees, organized by the administration of the prison to which they are referred. Such ceremonies seem to be a habit of the officers in an attempt to manipulate the prisoners and to humiliate them. [192]

Wadi El Natroon Prison: (an example)

The detainee passes through various steps since he enters the referring car until he reaches the main gate of the prison. Detainees are not allowed to look from the windows of the said car and they ordered to sit on their knees. The trained force which is assigned to assault the detainees accompanies them in the car. One of the prisoners mentioned that officer (x) participated in the "reception ceremony" and assaulted him totally. The administration of the prison always inspects cells. When the prison was still new, inspection and search used to take place daily. It was characterized by being extremely violent – the prisoners are driven naked and get battered by bamboos, whips and they get shocked by electricity. The situation remained as such for one year during which prisoners got several illnesses – as alleged by a detainee. Then the situation started to get calmer, search used to take place on Sunday and Wednesday each week. Each cell started to be searched separately. The prisoners get blinkered and leave the cell in their underwear as they get battered by sticks and whips. During the search all the contents of the cell get mixed up. Another semi- periodical search is performed by the prisons' directorate each two or three months. Such search is characterized by severe procedures, visits are not allowed on that day, food is not distributed, and the prisoners get battered the same way. Many complaints were filed against Colonel Mohammed Moustafa, former head of investigations at Wadi El Natroon. [193]

Women in Prisons:

[192] In Defense of the Rights of Prisoners, the Human Rights Association for the Assistance of Prisoners, reports over 1997 – 2000 p. 179

[193] *In Defense of the Rights of Prisoners*, the Human Rights Association for the Assistance of Prisoners, reports over 1997 – 2000 p. 26

The Human Rights Association for the Assistance of the Prisoners monitored in its reports that the violation of the rights of women prisoners is a grave phenomenon directly threatening the rights of prisoners. The woman prisoner is less protected and has little opportunity to file a complaint to the appropriate authority for the sake of her reputation and fear of retribution against her and her family.

Al Qanater women prison: (an example)

The women prisoners confirmed that they are maltreated by their women guards. In case a dispute erupts, all prisoners get battered whether they have participated in that dispute or not. In case there are objections to getting battered by plastic devices, the prisoner is deposited in a solitary cell for one day or more for retribution.

Juvenile Care Institutions:

The number of Juvenile Care Institutions in Egypt amount to 24 establishments, 18 for males and 6 for females. The number of juveniles deposited yearly amount to 32231 ones. This is according to report No. 14 by the Committee of Services in the Shura Consultative Council, entitled: "The Child in the Egyptian Society: Reality and Needs" issued in February 1992. LCHR monitored that the number of punitive establishments did not increase in spite of the doubling numbers of juveniles deposited therein. Such establishments are supposed to perform their role of reform and rehabilitation through scientific and technical programs prepared by specialists in psychology, sociology and law. The main objective of such programs is the instruction and treatment of juveniles delinquent and reintegrating them in society as proper citizens.

However, the field study conducted by the Human Rights Association for the Assistance of Prisoners indicates that Juvenile Care Institutions in Egypt fail to perform their role of looking after juveniles. It monitored several forms of ill treatment and torture to which juveniles are subjected. For instance:

- The institution of social are for males in Giza allocates a small room (1 x 2 m.) for instruction. Such room is not lighted and is teaming with stinking smells. The juvenile is deposited in the said room as per the commands of the officer in charge for a period ranging from 7- 14 days. In case that any of the residents disobeyed the morning queue starting at 9:00 am, he is punished either by battery or libel or both. As per Article 17/13, such assaults are contrary to the typical rules of managing the affairs of juveniles.
- The institution of care for girls in El Agouza district commits several violations. The psychiatric specialists punish resident girls in several ways of which are the following:
    - El Falaka[194]
    - Cutting hair

[194] A wooden stick with a rope used in battery

- The institution queue i.e. queuing the girls and beating the girl to be punished. [195]

Second: The Social Dimensions of the Crime of Incidence of torture

The incidents recorded in the table of the model cases indicate the expansion of the crime of torture throughout a large number of governorates. Such cases do not reflect all the cases, they are rather typical examples. By analyzing such cases, it is obvious that the phenomenon of Incidence of torture displays grave social dimensions. This is to be illustrated through the following findings:

There is a variety with respect to the rates of torture at police stations all over the governorates. The highest rates are found in Greater Cairo (Cairo, Giza and Qaliubya) and in Lower Egypt e.g. (Daqahlia and Sharqyia). The lowest rates are in the governorates of Upper Egypt – an indication that torture is at its highest rates in police stations in the urban areas. However this is not to say that torture is not widely practiced in Upper Egypt. Several cases of torture have been monitored there. The reason behind the low number of cases monitored in Upper Egypt as compared to Lower Egypt might be due to the long distance between these governorates and the Cairo-based human rights entities, the fear on the part of the victims, or the high rates of illiteracy and the associated unawareness of the role of human rights organizations. It goes without saying that there is a close relationship between awareness of the rights and the various procedures for calling for such rights. Accordingly, it is normal that most of the complaints of torture are mostly from Cairo.

It is noteworthy that the majority of the victims of torture belong to the poor social classes. This is illustrated by the obvious disparity between the rates of torture in police stations of the same governorate. Such rates increase in the poor districts e.g. in Cairo incidents of torture recur in certain police stations such as: El Zawya El Hamra, El Waili, El Gamalya, Manshyet Nasser, and Helwan police stations; in Giza instances of torture recur in police stations like: El Omranya and Bulaq El Dakrour. The said areas are characterized by high rates of poverty. However, in the areas with high standards of living like Heliopolis, Ma'adi, and Agouza, victims of torture belong to the poor classes.[196]

Despite the fact that most of the crimes of torture are committed against the poor classes, torture is practiced against other factions of the middle class e.g. merchants, lawyers, professionals or intellectuals. Practices of torture spread as far as spatial and social aspects are concerned. Torture, particularly when it leads to death, is a major reason behind the outbreak of collective protests and actions of violence against police stations and some governmental agencies. Such protests have been monitored in many cities and villages e.g. the cities of Belqas (Daqahlia) and El Hamoul (Kafr El Sheikh) and Damaw

[195] For further details about violations of human rights inside care institutions , see the M.A.thesis entitled "The Economic and Social Evaluation of the Implications of the Atmosphere of the care institutions" prepared by Abeer Badran, 2002, Ain Shams University.
[196] See table of the police stations where torture is practiced, in this part

village in Qaliub center (Qaliubia).[197] Given such social background, the outbreak of collective violence due to torture in police stations is a significant indication of the state of social tension in the Egyptian society over the past years. (For details, see the report of the Egyptian Organization for Human Rights (EOHR), Social Violence in Egypt in 2000.)

The crime of Incidence of torture has another dimension that is wide spread and penetrating some of the social classes in Egypt i.e. violence against women. Women are tortured double times, they are either tortured directly for being charged with certain charges, or they get tortured as a means to compel men (husband, father or brother) to make confessions, or they be detained as hostages to oblige the defendant men to give themselves up to the police. In all cases, sexual abuse is the basic means of torturing women, and the consequent horrible psychological pain affecting women and the whole families due to such degrading practices. What aggravates such pain is that a large number of women get detained or tortured in the presence of their children, and in some cases, mothers see their children subjected to torture.[198]

Third: Forms of Torture

Through the monitored cases of torture, the similarity between the means of torture became clear – indicating the fact that torture is being systematically practiced by policemen all over the country. EOHR monitored such methods in 77 police stations and center in 19 governorates of the total of 26 governorates of the country[199], exemplified as follows:

Regular means:

- Slapping, swearing, libeling and the everyday customary degrading language used in police stations. Such practices are considered of the requirements of questioning. They are too frequently used to the extent that they have become accepted as a stereotypical procedure and are no longer deemed as ill treatment.
- Shackling the victim's hands: such form of torture is there in all the recorded cases. Such means is accompanied by battering the victim with sticks and whips.
- Al Falaka: a long stick with a rope at its end. The feet of the victim are tightened between the stick and the rope in such a way that the feet get shackled and then another stick or whip is used in beating the victim.
- Hanging over the edge of the door: such means is widely used as the victim gets his hands tied to his back and gets hanged so that his feet rise above the ground. Such condition poses huge strains on the nerves of the body with varying degrees of intensity. It also causes severe pains in the bones. It is noteworthy that there are other means to intensify pain e.g. hanging loads to the feet of the person hanged such as a gas container or pulling the feet down as narrated in some cases.

[197] Human Rights Report in the Arab Region, the Arab Organization for Human Rights, 1999, p. 154

[198] See LCHR reports 1997, *Torture in the Egyptian Countryside* and *Pre-trial Detention of Peasants in the Countryside*

[199] *"With the Beginning of the Third Millennium, will the Crime of Incidence of torture come to an end?"*, EOHR report about torturing citizens at police stations.

Moreover, such kind of torture is usually accompanied by battery by various tools.

- Shocking with electricity: it is the most widely used method of torture as it does not result in physical bruises and renders the victim in a state of panic making him totally submissive to the commands of policemen. Shocking with electricity usually is made to sensitive parts of the human body e.g. fingers, penis, testicles and nipples.
- Backward shocks: such as slaps, punches, battery with sticks, whips and electric cables. It can be argued that this means is the most widely used and is associated with the rest of the means. Despite the fact that this method leaves bruises and traces of torture on the body that would not heal for a long period of time which would be a proof of having been subjected to torture, it remains the most widely used, indicating the confidence of the policemen that they would not be held responsible.
- Burning with a lighted dog-end: it is used with men and women, yet it is less frequent than the other means.
- Sexual abuse and harassment: sexual abuse is one of the most recurrent methods of torture which have negative impacts on the victims. The most frequent forms of this kind of torture is raping women and taking off their clothes, and inserting a solid tool in the posterior pudendum of men and women alike.
- Degrading the victim: the methods of degrading the victim are not restricted to the above mentioned methods. There are other methods such as taking off the clothes of the victim and obliging him to walk naked and to take on a female name.

Despite the fact that the last methods do not imply physical abuse, they have grave psychological implications as they imply degradation and humiliation. In this context, it was recorded that in some cases the victim was obliged to kiss the shoes of the officer.

Other means of torture: injecting the victim with polluted water or obliging him to eat human wastes.

Fourth: Various Impacts of Torture

The crime of torture has several impacts on society at large as it is a social defect with political, economic and social roots. The society is directly involved with parties, the torturer and the tortured. The direct implications of such a crime befall the victim, whereas the perpetrator evades punishment due to the political and legislative environment ensuring them the right to such practices.

a. Impacts on the Tortured:

Such impacts are recorded and assessed by through the testimonies monitored by the human rights organizations. Such impacts are divided into two parts:[200]

[200] Al Nadim Center for the Rehabilitation for the Victims of Violence

1- The Psychological impacts of Torture:

Vulnerability and Acquired Desperateness: such case takes place when the external events get out of control or transcend the limits of reality i.e. when man's ability to control events or to affect changes retreats. One of the psychiatric theories argues that the phenomenon of chronic depression occurs when reward and punishment have no distinct impacts on human reaction – such is the result of torture. During the process of torture, the victim gets to learn that torture continues regardless of his reaction or even after providing information or making confessions.

Damaging the Logical Experience: in ordinary circumstances, the mind organizes life experiences and situations and categorizes them in a logical order and links them to previous experiences of similar situations. Such order provides the person with the feeling of security and historical continuity i.e. what takes place at present can be identified through previous experiences and the future consequences of it can be speculated. Continuity of existence is imperative to bestowing a meaning on man's existence and hence on continuation in life. As such, torture might be regarded as a direct attack on such system. However, the experience of torture lacks a previous similar experience in the context of which it might be comprehended. It does not have a link to the past and its consequences can not be figured out. It halts time and the feeling of continuity, hence, the meaning of man's existence – leaving grave implications on the victim as he gets thrown into a deep well of solitariness void of time, place and events.

Reality and Imagination: when the real situation is considerably stranger than what would be imagined, there would emerge a feeling of uncertainty and illogicality. In the meantime, things get to lose their value and significance. Moreover, the established rules and values which help man comprehend and organize his experiences get disturbed so that they suit the situation. Some of the conditions of torture are designed so that they damage the victim's feeling of reality e.g. getting hanged from one foot to a fan and then the fan is operated so that the victim moves around with high speed so that directions get mixed up and he loses the feeling of the place.

Split: the human body has a double nature i.e. the body as an object and separate of the self and the body as a living experience, a subject of the self. In ordinary circumstances, man does not perceive his body as a separate object, yet as a means of expressing the self, adapting to the outside effects and developing social experiences. The body as an experience is the first perception of man "the id", the self or the soul. Through such perception or experience, the human body gets unified as a perception and as an object in the same time. Moreover, it is the agent of self perception, the id, to act as one unit. When the body as an "object" feels relaxed, there is developed an experience of the feeling of relaxation. In the situation of torture and due to the consequent severe suffering, the body gets separated from the self. Perception and consciousness fail to act in a unified manner, resulting in a sharp split between the existence of man and his perception of himself.

2- Clinical syndromes:

The psychological effects of torture have been illustrated, however, such impacts have psychological and physical syndromes that usually accompany the victim for long periods of time and sometimes for the rest of his life. Such syndromes can be divided into three basic categories.

a. Psychological and physical syndromes: these are the most frequent syndromes displayed by the victims of torture. They include: chronic headache, loss of appetite, weakness of sexual desire, insomnia and bone and muscle pains. Besides they suffer disturbances in the stomach and the digestive system, in the heart and blood pressure, in the reproductive system…etc.
b. Behavior disturbances: include changes in the personal qualities e.g. addiction, solitariness, feeling of disability, lack of self confidence, dependency, lack of initiative, apathy, illusiveness, recklessness and misgivings.
c. Mental and psychological disturbances: the most widespread of these syndromes is chronic depression. It is manifested in the inability to enjoy anything, desire to die, suicidal inclinations, guilt complex, feeling of disability and desperation in addition to disturbances of sleep, implying nightmares, and disturbances in memory.

b. Impacts on the Torturer:

On contrary to the horrible impacts on the tortured, torturers usually escape punishment and commit their crimes invoking their authority and influence. Even those who are brought to justice, face weak penalties due to basic loopholes in the Egyptian legislation through which they escape punishment. Despite the fact that Egypt is a signatory to the International Covenant on Civil and Political Rights and the Convention against Torture, there is a lack of a suitable legislative development ensuring effective measures and procedures to protect people from getting subject to torture or other forms of inhuman or degrading treatment. However, the prevailing legislations and measures are still in force and fail to guarantee effective protection for individuals against torture and other forms of inhuman or degrading treatment. [201]Instances of such legislations are the following:

- The crime of torture as defied in Article 126 of the Penal Code does not meet the basic principle of providing protection of the right of the individual to environmental and mental safety, which principle should dominate the criminal legislation. The said Article tackles only the incident of torture for obtaining confession. As per the provision of Article 126, in case that torture is committed by a public official for any reason other than obtaining confession, Article 126 is not applicable. In such case, the regular criminal rules are applicable.[202]
- As for the crime of cruelty, Article 129, the penalty assigned is ineffective and it is not enforceable save in one case; if cruelty took the form of assault or did not extend to battery or hurt. In case that violence takes the simplest forms of battery or hurt that does not result in a mutilation, illness or disability to perform personal

[201] *In Defense of Human Rights*, The Egyptian Organization for Human Rights (EOHR), vol. 7, 2003
[202] LCHR report, *Torture and the Egyptian Countryside*, 1998

activities, the penalty is a fine of LE 200 – as if such criminal act is directed from one person to another and not from a representative of the authority to an individual.

- As for physical torture, Article 282 of the Penal Code, penalty is raised as the criminal offences, when arrest takes place without a reason associated with the treat of murder or physical torture. However, it did not differentiate between the occurrences of such acts from one person to anther and from an authority to an individual. Penalty aught to have been aggravated in the latter case as the representatives of the authority do not commit such crimes in their personal capacities, rather invoking the authorities and influence of their positions.

In addition to the said legislative deficiency, it was monitored that the authorities obstacle the investigation of the crimes of torture perpetrated at police stations, irrespective of the authorizations granted by law to the Public Prosecution in this regard, as far as inspection of police stations or immediate investigation of any incident of torture are concerned. [203]

However, the Public Prosecution decides the investigation be closed in most of the cases of torture regardless of the noticeable effects of torture on the bodies of the victims or the medical reports confirming the crime of torture. Moreover, policemen do not heed the decisions of the Prosecution, although the prosecution passes release decisions for some defendants, policemen do not heed such decisions and resume the detention of citizens and even torture them. Besides, the Ministry of Interior, the Prisons Directorate and the Public Prosecutor ignore most of the complaints submitted by the human rights organizations.

Thus, it is obvious that in addition to the legislative deficiency, there is a political environment that gives the police a free hand in violating the rights of citizens. [204]

3- Impacts of the crime of Torture on Society:

Article 184 of the Egyptian Constitution defines the police as a civil paramilitary agency headed by the president of the Republic. The police is to perform its duties in serving the people, ensuring safety and security for citizens, maintaining public order and morality and undertakes the implementation of the laws and regulations governing it as defined in the law.

Article 3 of Law No. 109 of 1971 on the Police authority stipulates that: "the police authority shall maintain public order and morality to protect souls and properties and particularly the prevention and detection of crimes. It shall provide safety and security for the citizens in all fields and implement its duties as defined by the laws and regulations."

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[203] *"With the Beginning of the Third Millennium, will the Crime of Incidence of torture come to an end?"*, EOHR report about torturing citizens at police stations.

[204] LCHR report, *Torture and the Egyptian Countryside*, 1998

As per the said articles, the relationship between the police and the safeguarding of the human rights and freedoms is illustrated. Accordingly, the deficiency in the performance of the policemen of their duties and going as far as violating the rights of citizens indicate that there is a social disequilibrium manifested in the atrocities of the faction dominating the authority, the Constitution and the law regulating the life of society.

Fifth: the reasons behind Torture

Throughout history, means of torture were used by the authorities and others to compel the defendants to confess to their crimes, and against political opponents in order to terrify them and to oblige them to cease opposing the government. This has become frequent in the modern times to the extent that it has become one of the features of the police and security agencies at large. What is new is that the crimes of torture are getting practices on a large scale against people who are not accused in any cases, whether political or criminal, yet as a wish to forge charges by the policemen as evidence that they are active and doing their job well. This is best exemplified in the incident of torturing a citizen named "Badr Eddin Gomaa" in Alexandria, during which he confessed to have murdered his daughter. When the girl turned to be alive, the torturers deposited the girl into an orphanage so that their crime would not be discovered. [205]

Moreover, it has become customary that policemen exploit their positions and influence in personal matters e.g. complimenting friends and acquaintances or retaliating from rivals and enemies.

It might be argued that torture is practiced in Egypt for the following reasons successively:

1- Compulsion to make Confessions:
Policemen resort to the use of all and the most awful methods of torture in order to compel the victim to confess to certain crimes without conducting the necessary legal procedures and investigations. The series of torture usually begins with forced arrest and ends with the most horrible means of torture which are widespread in the Egyptian police stations.

In this respect, it is noteworthy that the phenomenon of collective torture is growing. Policemen arrest the family of the defendant and his relatives and torture them in order to obtain confessions condemning him, or to receive information about his hideout or any other clues that would prove the charge brought against him. Instances of collective violence increase in the wake of the various incidents of social violence e.g. murder and collective protests (the incidents with the peasants in 1997, Belqas 1998, etc.)

2- Political reasons:
As per the Emergency law which is enforced in Egypt for more than 20 years, policemen have an absolute authority in arresting people and torturing them under the pretext of

[205] *Bring Torturers to Justice*, report by the Human Rights Association for Human Rights and Assistance for the Prisoners, 2001

maintaining public law and order. The said law is particularly applicable to political activists and opponents to the ruling system. They get tortured by the most horrible means of torture in attempt to terrify them and to make them divert their political beliefs. Despite the fact that this phenomenon is not new, its awfulness and recurrence are alarmingly increasing, particularly with the increase in social tensions due to the economic crisis, and the failure of the government to address the crisis. Hence, the ruling system can not but increase suppression against its opponents.

The first three years of the new millennium witnessed hundreds of cases of detention and torture for political reasons in Egypt for political reasons. This is due to several reasons, on top of which is the spread of public protests in the wake of the outbreak of the Intifada in September 2000 in addition to the economic crisis straining the life of citizens.

3- Abuse of power:
The police is originally a civil authority headed by the president of the republic of Egypt as defined in the Egyptian Constitution. Under the prevailing Emergency law, the police get unlimited authorities as it is working in a state of emergency – authorizing policemen to arrest anybody with the pretext of threatening public order and stability. In most cases, such incidents are conducted by policemen for personal gain or compliment of friends – a fact proved by many of the typical incidents of torture where policemen break into the houses of citizens for the very simple reason that one of the family members quarreled with one of the officer's friends.

The Economic and Social Dimensions of the Victims of Torture[206]

	Name	Date of Incident	Means of Torture	Age	Reasons behind Torture	Profession	Residence	Sour Infor
01	Zinhom Mohamed Badr	03/09/1998	Shocking with Electricity		Confession of murdering a child girl	Sergeant	Kabil Village/ Damanhour	Hum Righ Leaf

[206] This sample is of individual cases recorded by the LCHR researchers. They have excluded the individual cases of torture of peasants. They will be enclosed at the end of this part together with a case study.

			and Hanging					EOH 1999
02	Abdel Hai Abou Bakr Ismael	06/02/1998	Battery and Shocking with Electricity		Confession of currency forgery	Accountant	Abou El Reish/ Aswan	
03	Mostafa Gad El Karim	15/09/1998	Whipping and Hanging		Quarrel		Ein Shams/ Cairo	
04	Youssif Sied Mahmoud	07/03/1998	Battery-Shocking		Report about theft		Kalioub/ El Kalioubia	Hum Righ - EO
05	Mohamed Ismael Bakr	07/03/1998	Battery-Shocking		Nephew of the defendant		Kalioub/ El Kalioubia	
06	Mohamed Saeed Mohamed	13/06/1998	Battery-Hanging	19	Suspicion		El Zawia El Hamra/ Cairo	
07	Sied Abd Allah Soliman	06/08/1998	Battery-Hanging over the door		Receiving the robbed objects	Waiter at a café	Kasr El Nil/ Cairo	
08	Magdy Gamal	24/11/1998	Battery-Shocking				Cairo	El N Cent
09	Mostafa Mohamed Farag	15/11/1999	Battery-Hanging	70	No Reason	Retired	Alexandria	In D of H Righ EOH vol.(
10	Hosam Fikry Ibrahim	02/12/1999	Battery	25	Accusation of drunkenness	Unemployed	Beni Sewif	In D of H Righ EOH vol.(
11	Sa'eed El Sied El Shimy	05/12/1999	Battery-Threat of rapping wife	43	Automobile theft	Driver	El Kalioubia	In D of H Righ EOH vol.(
12	Yassir Mohamed Mahmoud	05/03/1999	Battery-causing permanent mutilation		Suspicion		Alexandria	Cent Assis of th Prisc "The is Eg

13	Haron Mohamed Hamd Allah	08/04/1999	Taking off clothes and Battery		Quarrel		South / Giza	Cent Assis of th Prisc "The is Eg
14	Magdy Seif Mahna Sabry	06/04/1999	Battery-Shocking with Electricity		Confession about the hideout of his brother	Labourer	Bolaq/ Cairo	EOH new mille has starte
15	Ibrahim Mohamed Othman	30/06/1999	Battery with hands and hanging	34	Refusing to give his car	Employee	Shubra Misr/ Cairo	EOH new mille has starte
16	Abdel Radi Ezzat Kil'ie	08/08/1999	Hanging in the falaka and battery with lash	47	Implementing rulings	Worker	Bolaq Abou El Ela/ Cairo	EOH new mille has starte
17	Salah El Din Lotfy Ashour	26/08/1999	Battery-Hanging-Burning with Cigarettes	50	Investigation	Turner	Ezba/ Misr El Kadima	EOH new mille has starte
18	Nour Fathy Hamad Omran	17/08/1999	Battery and Hanging	19	Theft	Carpenter	Misr El Kadima/ Cairo	EOH new mille has starte
19	Samy Omar Hasan	20/09/1999	Hanging-Battery	24	Quarrel	Idle	Faysl/ Giza	EOH new mille has starte
20	Rida Aiad	13/10/1999	Battery-Shocking	35	Acquisition of weapons	Peasant	Daqouf Village/ El Menia	EOH new mille has starte
21	Mahmoud Abdel Hafiz Mostafa	07/03/2000	Insulting and Battery with hands	34	Friend Flattery	Guard at a restaurant	South Giza	In D of H Righ EOH vol.(

22	Ramadan Mostafa Mohamed	08/03/2000	All types of Battery	20	Accusation of theft	Turner	South Cairo	In D of H Righ EOH vol.(
23	Sabir Sied Ali Ajamy	09/03/2000	Battery	25	Selling in the Street	Traveling Salesman	Manshiet Nassir/ Cairo	In D of H Righ EOH vol.(
24	Salha Sied Kassim	29/02/2000	Battery-Threat of rapping	38	Accusation of theft	House Keeper	South Cairo	In D of H Righ EOH vol.(
25	Ali Sied Abou Seri'	06/02/2000	Battery-Hanging	21	Friend Flattery	Painter	South Beni Sewif	In D of H Righ EOH vol.(
26	Hamza Radi El Sied	14/01/2000	Battery and Hanging	21	Acquisition of weapons	Electrician	South Beni Sewif	In D of H Righ EOH vol.(
27	Ahmed Mahmoud Mohamed	26/03/2000	Battery-Shocking	15	Theft of a bicycle	Student	South / Shorta	
28	Mahmoud Mohamed Bahi El Din	13/03/2000	Battery with hands		Acquisition of Drugs		South / South	
29	Saad Salah El Din	21/12/2000	Battery	27	Filing a Compliant against the head of the investigations	Labourer	El Zawia El Hamra/ Cairo	LCH
30	Sha'ban Amin Wahaba	25/05/2000	Battery	54	No Reason	Agricultural labourer	Nazlit Al Ashtar/ Giza	LCH
31	Zaki Abdel Wahid Zaki	02/07/1999	Battery with hands and legs		Altering his testimony		15 May/ Cairo	Press state the L Aid Asso
32	Hisham	06/11/2000	Battery,	26	Accusation of	Carpenter	Helwan	El N

			hanging, sexual harassment		theft			Cent
33	Nassir Mohamed Mahmoud Ali	26/04/2001	Battery		Robbery of a house		South Giza	Cent the Assis of Pr 2001
34	Essam Mohamed Alam	08/06/2001	Severe Battery		Resisting the Authorities		South Giza	Cent the Assis of Pr 2001
35	Mohamed Metwalli Hussein	09/10/2001	Battery-Burning with Cigarettes		Flattery for a reporter quarreled with him		South Giza	Cent the Assis of Pr 2001
36	Jabir Ali Hasan	12/08/2001	Hanging and Battery		Acquisition of weapons	University Student	El Zawia El Hamra/ Cairo	Cent the Assis of Pr 2001
37	Emad Farag Ibrahim	02/11/2001	Battery-Scrapping off		Implementing rulings	Journalist	El Omrania/ Giza	Cent the Assis of Pr 2001
38	Nashat Ahmed Mohamed Ibrahim	23/05/2001	Shocking with Electricity	46	Establishing a secret Association	Director at the Ministry of Reconstruction	Nasr City/ Cairo	Cent the Assis of Pr 2001
39	Magdy Hasan Edris Mohamed	08/05/2001	Battery	33	Establishing a secret Association	Owner of Games sale	Nasr City/ Cairo	Cent the Assis of Pr 2001
40	El Sadat Mohamed Abdel Aziz	28/06/2001	Battery-Shocking with Electricity		Friend Flattery		El Dakahlia	Cent Assis of th Prisc "The is Eg
41	Mohamed Ali Hasan	09/02/2002	Obliging to walk	28		Merchant	Al Manzala/	Cent Assis

	Hegazi		naked, rape, burning				El Dakahlia	of th Prisc "The is Eg
42	Hisham El Shazly	08/06/2002	Battery		Issuing a report of assault		El Rowie'a/ Cairo	Cent Assis of th Prisc "The is Eg
43	Sameh Mostafa Sadiq	January 2001	Hanging-Shocking with Electricity	23	Criminal imprisonment		Giza	Cent Assis of th Prisc "The is Eg
44	Samir Ahmed Mostafa	01/05/2002	Battery-Choking	40	Giving testimony against his friend	Employee	Giza	Cent Assis of th Prisc "The is Eg
45	Khalil Abd Allah Khalil	20/12/2002	Battery				El Marg/ Cairo	Cent Assis of th Prisc "The is Eg
46	Fahmy Saad Ahmed	28/08/2002	Battery, rape	20	Arresting her father	A diploma holder	Belqas/ Dakahlia	Cent Assis of th Prisc "The is Eg
47	Sabah Abdel Hameed Ahmed	16/01/2001	Battery-Hanging	24	Confession to knowing a certain person	Hairdresser in a beauty center	Hdayek El Kobba/ Cairo	Cent Assis of th Prisc "The is Eg
48	Jihan Mohamedy El shishnawy	15/10/1999	Battery-rape		Quarrel		Shubra / Cairo	Cent Assis of th Prisc "The is Eg

49	Abdel Hameed Mohamed Hasan	17/08/2003	Battery and Insulting		Quarrel	Doorman	8th District/ Cairo	LCH
50	Amr	April 2003	Battery with hands and legs	20s	Demonstrations on Iraq	University Student	8th District/ Cairo	Al-A (20/0
51	Radi Jihad	April 2003	Battery-Hanging-Shocking	20s	Demonstrations on Iraq	University Student	8th District/ Cairo	Al-A (20/0
52	Ibrahim Sahary	April 2003	Battery-Hanging-Shocking	30s	Demonstrations on Iraq	Journalist	Cairo	Al-A (20/0
53	Gamal Abdel Fattah	March 2003	Battery with hands and sticks	40s	Demonstrations on Iraq	Pharmacist	Cairo	Al-A (20/0
54	H.S.B.	March 2003	Rape	20s	Demonstrations on Iraq	University Student	El Mansoura	Al-A (06/0
55	Ziad El Eliemy	March 2003	Battery with hands and sticks	20s	Demonstrations on Iraq	University Student	Cairo	Al-A (02/0
56	Manal Khalid	March 2003	Battery and choking in the street	20s	Demonstrations on Iraq	Student	Cairo	Al-A (02/0
57	Engy	August 2001	Battery with hands, and Sexual harassment	20s	Friend Flattery		October/ Cairo	Sout Umn (04/0
58	Shireen	August 2001	Battery with hands, and Sexual harassment	20s	Friend Flattery		October/ Cairo	Sout Umn (04/0
59	Mahrous Ahmed Mohamed	August 2001	Insulting and Battery with hands	20s	Confession of the hideout of a person	Employee	Alexandria	A-Ar (07/0
60	Nagwa Mahmoud Gad El Rab	14/05/2003	Battery, Hanging, and Burning	20s	Accusation of theft		Luxor	Press relea Cent Assis of th Prisc

61	Ahmed Ahmed Abdel Raheem	14/10/2001	Battery-Shocking-Hanging	20s	State Security		Shubra El Khima/ Cairo	Victi no R EOH
62	Abdel Aleim Sied Abdel Aleim	05/04/2001	Battery-Shocking with Electricity	20s	Quarrel	Journalist	Al Wasta police center	Victi no R EOH
63	Sha'ban Ahmed Rawy		Battery with hands and lashes	20s	Accusation of theft		Al Qanatir Al Khireya/ El Kalioubia	Victi no R EOH
64	Ibrahim Salim Salim	09/07/2001	Breaking into the house and Battery of the family	20s	Punishment for filing a compliant		Nasr City/ Cairo	Victi no R EOH
65	Hosny Abdel Sabour Hasan	20/10/2001	Battery	20s	Quarrel			Victi no R EOH
66	Mohsen Adel Aziz Awad	22/04/2001	Battery-Shocking-Hanging	20s	Acquisition of weapons		Abou El Namras	Victi no R EOH
67	Nabil Fayed	22/01/2001	Battery-Shocking with Electricity		Friend Flattery		6 October/ Giza	Cent Assis of th Prisc "The is Eg
68	Mohamed Ibrahim Hussien	31/03/2002	Battery-Burning with Cigarettes				South El Dakahlia	Cent Assis of th Prisc "The is Eg
69	Mostafa Helmi Abdel Samee'	26/01/2002	Battery-Shocking with Electricity		Automobile theft		South Cairo	Cent Assis of th Prisc "The is Eg
70	Mohamed Ahmed Abdel Ghani	01/04/2002	Battery with hands	16	Participating in a Demonstration	Secondary school student	South Giza	Cent the Assis of th

								Prisc "Det and detai Egyp
71	Ahmed Zahran Mohamed	April 2002	Battery with hands	16	Participating in a Demonstration	Secondary school student	South Giza	Cent the Assis of th Prisc "Det and detai Egyp
72	Gamal Sa'eed Gad	17/03/2002	Battery with chains		Suspicion		South Cairo	Cent the Assis of th Prisc "Det and detai Egyp
73	Yassir Arnous Abdel Maqsoud	07/07/2002	Tying to the hospital bed	26			South El Dakahlia	Al M leafl Lega Asso Nove 2003
74	Hussien Fouad Mahmoud	26/11/2002	Intense Battery	23	Quarrel	Labourer	Omraniea/ Giza	Al M leafl Lega Asso Nove 2003
75	Ahmed Fouad Abdel Latif	01/22/2002	Battery-Burning with Cigarettes	16	Drug-taking	Student	Faysl/ Giza	Al M leafl Lega Asso Nove 2003
76	Mohamed El Sied Darwish	08/05/2002	Battery with hands and legs	21	Suspicion	Student	El Sharabya/ Cairo	Al M leafl Lega Asso Nove

								2003
77	Ahmed Mohamed Sied	01/05/2002	Battery and Hanging		Suspicion	Student	Bolaq/ Cairo	Al M leafl Lega Asso Nove 2003
78	Atif Hasan Mohamed Abd Allah	16/07/2002	Battery-permanent mutilation	31	Suspicion	Student	Imbaba/ Giza	Al M leafl Lega Asso Nove 2003
79	Ahmed Sa'eed Ibrahim	15/01/2002	Battery-Shocking with Electricity-Threat of rapping wife				Imbaba/ Giza	Al M leafl Lega Asso Nove 2003
80	Khalid Mohamed Ahmed El Najar	18/12/2002	Battery-Shocking with Electricity				El Mahla/ El Ghrabia	Al M leafl Lega Asso Nove 2003

Cases of Collective Torture
The Economic and Social Dimensions of the Victims of Torture

	Name	**Date of Incident**	**Means of Torture**	**Age**	**Reasons for Torture**	**Profession**	**Residence**	**Source Inform**
01	Mohamoud Samy Mohamed	10/10/1998	Battery-Shocking-Threat of rapping his wife	30	Screening fugitives	Technician	El Hawamedya/ Giza	Humar Leaflet Egypti Organi no.(38
02	Rabha Ata	10/10/1998	Battery-	40	Screening	House	El	Novem

	Ibrahim		Cutting the hair-Shocking		fugitives	keeper	Hawamedya/ Giza	
03	Nagwa Fadl Tawfik	10/10/1998	Battery-Shocking		Screening fugitives		El Hawamedya/ Giza	
04	Sha'ban Samy El Dibs	10/10/1998	Battery-Shocking		Screening fugitives	Driver	Al Saf/ Giza	
05	Sied Mohamed Mohamed Ismael	14/09/1999	Battery with hands and sticks	30		Worker	Al Saf/ Giza	EOHR new millenn started
06	Taha Mohamed Mohamed Ismael	14/09/1999	Battery with hands and sticks	40		Employee	Al Saf/ Giza	EOHR new millenn started
07	Badrya Saleh Sied	14/09/1999	Battery with hands and sticks			Saleswoman	Al Saf/ Giza	EOHR new millenn started
08	Hazim Ahmed Abdel Samad	16/10/1999	Hanging-Shocking		Automobile theft		Farshout/ Qina	EOHR new millenn started
09	Hamada Tolda Ahmed	16/10/1999	Hanging-Shocking		Automobile theft		Farshout/ Qina	EOHR new millenn started
10	Mohamed Abdel Hafiz Abdel Allah	16/10/1999	Hanging-Shocking		No Reason		Farshout/ Qina	EOHR new millenn started
11	Essam Sied El Bakry	21/11/1999	Battery-Shocking		No Reason		El Zawia El Hamra/ Cairo	EOHR new millenn started
12	Nazira Zienhom El Nady (The wife of the last)	21/11/1999	Rape Battery		No Reason		El Zawia El Hamra/ Cairo	EOHR new millenn started
13	Kasim El Sied El Baky	21/11/1999	Battery and Shocking		No Reason		El Zawia El Hamra/ Cairo	EOHR new millenn

	(His brother)							started
14	Alya Youssif Sa'eed (His mother)	21/11/1999	Battery and Shocking		No Reason		El Zawia El Hamra/ Cairo	EOHR new millen started
15	Nabil Farahat Mokhtar	10/12/2003	Battery with hands and sticks	37	Implementation of rulings	Labourer at a bus station	Sakiat Meki/ Giza	EOHR "Tortu Crime should Stoppe Report
16	Omar Farahat Mokhtar	10/12/2003	Battery with hands and sticks	24	Until the first appears	Driver	Sakiat Meki/ Giza	
17	Nassir Mousa Ibrahim	10/12/2003	Battery with hands and sticks	17	Until the first appears	Chicken seller	Sakiat Meki/ Giza	
18	Ahmed Omar Ibrahim Omar	10/12/2003	Battery with hands and sticks	22	Until the first appears	Butcher	Sakiat Meki/ Giza	
19	Sied Abd Allah Soliman	06/09/1998	Battery-Shocking		Accusation of theft	Tea boy	Cairo	"Huma Rights' periodi report EOHR
20	Labiba Mohamed Ali (His mother)	06/09/1998	Battery-Hanging		Accusation of theft	House keeper	Cairo	
21	Samia (His sister)	06/09/1998	Battery-Hanging		Accusation of theft		Cairo	
22	Mohamed (His brother)	06/09/1998	Battery-Hanging		Accusation of theft		Cairo	
23	Akram Mohamed Hasan (His brother-in-law)	06/09/1998	Battery-Shocking		Accusation of theft		Cairo	
24	Hany Mohamed Hasan	06/09/1998	Battery-Shocking		Accusation of theft		Cairo	
25	Emad Mohamed	06/09/1998	Battery-Shocking		Accusation of theft		Cairo	

	Hasan							
26	Ahmed Mohamed Ahmed (Samia's husband)	06/09/1998	Battery-Shocking		Accusation of theft		Cairo	
27	Mervat Mohamed Hasan (Sied's wife)	07/09/1998	Battery-Threat of rapping		Accusation of theft		Cairo	
28	Amina Mohamed Hasan	07/09/1998	Battery-Threat of rapping		Accusation of theft		Cairo	
29	Nabawya Abdel Hafiz (A relative to the family)	07/09/1998	Battery-Threat of rapping		Accusation of theft		Cairo	
30	Fathi El Awady (Plumber)	07/09/1998	Battery with hands		Accusation of theft		Cairo	
31	9 citizens in Al Fayoum	May 1999			Accusation of theft		Al Fayoum	The Le Associ Press r (23/01/
32	Atif Mohamed Ajamy		Battery and rape		Resisting the Authorities		Helwan/ Cairo	"Victir no Rig EOHR
33	Soha Mohamed Ajamy		Battery and rape		Resisting the Authorities		Helwan/ Cairo	"Victir no Rig EOHR
34	Sabah Ibrahim		Battery and rape		Resisting the Authorities		Helwan/ Cairo	"Victir no Rig EOHR
35	Walid Adel Mohamed		Battery and rape		Resisting the Authorities		Helwan/ Cairo	"Victir no Rig EOHR

Chapter 2: Ill Maltreatment committed by the State

Ill treatment on the part of public officials has become a common feature of the daily life of the Egyptian society. The Egyptian citizen, who is definitely poor, lacks money to bribe public officials. Accordingly, he would undergo all forms of degrading treatment until he meets his need.[207] Such an atmosphere begot several forms of ill treatment among

[207] See LCHR report on the violation of the right of peasants to live in dignity and safety, 2002

individuals in work, in the means of transportation, queues before bakeries, etc. as such, the relationship between the citizen and the state, due to its being old and common, is getting to be customary. What is rather exceptional is that a citizen gets his rights in society and to be treated as a human being.

Such forms of ill-treatment to which the Egyptian citizen is subjected to by the state in all fields of life can not be monitored in a scientific and accurate manner unless through an independent study. The latter implies great effort and suffering. However, there are flagrant phenomena in society, significantly indicating the degradation of the dignity and humanity of the Egyptian citizen. The most frequent of such phenomena is the treatment of prisoners and other detainees in the various custodies. Besides, there comes the daily harassment by policemen of citizens and the abuse of authority and influence – in contradiction to the provisions of the Constitution. The latter defines the police of as a civil agency in charge of maintaining security and safety of the citizens.

Accordingly, light will be shed on the most frequent kinds of ill-treatment suffered by the citizens, namely, the treatment by policemen all over the country at police stations and prisons. This will be based on the incidents recorded in the reports of the human rights organizations monitoring such forms of ill-treatment.

Various forms of ill-treatment:

Since the crime of torture is that wide spread - as illustrated in the previous part, it might be discerned that other forms of ill treatment re even much more frequent. It is logical that the victims of torture firstly undergo various forms of ill-treatment e.g. libel, degradation, threat of murder or rape, etc. if added to the said category those who are maltreated but not tortured, it would have become obvious that such behavior is getting typical of the police and its treatment of the detainees. Accordingly, it turned to be a natural development to which people got used. Ill treatment of prisoners might be identified as follows:

- Libel and humiliation
- Badness of health care
- Deprivation from education
- Banning of visits and communication with the outside world

<u>Libel and humiliation:</u>

It is the first form of ill treatment undergone by the citizen at police stations or prisons regardless of being a defendant or has a complaint. Libel and swearing is the first reaction a citizen receives while entering the police station. As soon as the citizen enters the police station, the officer and sergeants treat him as legally incompetent and deny him any human rights.

Such situations can be noticed by direct observation, yet it is hard to be scientifically monitored in statistics and studies. This is due to the fact that people refrain from filing complaints or cases against such degrading forms of treatment. It has become customary for them and they got used that complaining is futile.

People even thank heaven that events do not deteriorate to enter the "dark tunnel" of torture. As long as he did not get tortured, a person is contended that he has been honored and treated in a good manner – libel, swearing and cruel treatment are things to be endured. As such, the minimum of the humanity of a person is restricted to torture i.e. fear of physical pain, regardless of the humiliation which can even be more painful, not only to the individual, but to the society at large. [208]

In this respect, it is noteworthy that such phenomena spread to the street. Policemen got used to humiliating citizens in their places of work e.g. taxi drivers in the various stations, vendors and other factions whose work necessitate their being present in the street. Policemen usually behave as such in order to collect money forcibly or to take bribes from the citizens in return for not harassing them. There is another kind of ill treatment suffered by thousands of peasants in the countryside whenever they get into contact with public officials whether in police stations or in any state agency. This happens regularly in the Egyptian street, on a daily basis. However, scientific monitoring and recording entails great efforts.

Badness of health care

Badness of health care of prisoners and detainees is still one of the main violations of human rights. According to the information provided by the human rights organizations over 1998, it might be concluded that badness of health care persists. This is manifested in maintaining the cells teeming with prisoners and detainees – allowing the spread of diseases and epidemics, lack of cleanliness, pollution of drinking water, ill treatment, lack of channels for fresh air. Prisoners are even denied the right to walk in fresh air. Moreover, prisoners face difficulties in getting medical drugs from outside, even though they are available at prison. This is due to the restrictions posed by the administration of the prison. The latter, on purpose, hinder the provision of health care and the obstacles they pose on appointments for check up or for conducting x rays examinations. The prisoner might not be referred to the clinic; they postpone it for unknown reasons leading to the deterioration of the patient's health. Usually, only the grave cases are allowed to go to the prison hospital. Patients, who do not suffer outward syndromes, might be punished by solitary confinement for pretending to be ill. [209]
In a report by the Human Rights Association for the Assistance of Prisoners about the situation of the Egyptian prisons, it was highlighted that health conditions of the prisoners are deteriorating in most of the Egyptian prisons. Examples of such are the following:

El Fayoum Prison: (an example)

[208] LCHR report, Liberation of Agricultural Lands is the Egyptian Countryside, vol. 2, August, 1998
[209] Health conditions of Prisoners, the Human Rights Association for the Assistance of Prisoners, Egypt

Since the inauguration of this prison in 1995, no physicians or clinics were available at the prison, in violation of the law or prisons. In cases of emergency, the sergeant in charge was informed then a nurse is summoned to examine the patient. The nurse is one of the Central Security sergeants (medical service). He does nothing more than giving the patient some relieving pills. Over that period, several prisoners died due to carelessness and the weak response of the sergeants to the patients. Among those who died was Ahmed Abdel Aziz, from Assiut. He died in January 1995.

Several illnesses spread in El Fayoum prisons such as: tuberculosis, mange, allergy and paralysis, psychiatric illnesses and splitting headache due to the ever echoing voices in the cell. Prisoners are not allowed to receive medical drugs. Moreover, the drugs available at prison are not sufficient and do not suffice the patients, mostly Formalin and Benzyl. The bed covers of the patients of mange together with those of the rest of detainees do not get exposed to the sun for sanitation, accordingly, diseases get aggravated. (*In Defense of the Rights of Prisoners*, a report by the Human Rights Association for the Assistance of Prisoners about the situation of the Egyptian prisons, 1997 – 2000)

Damanhour Prison: (an example)

The prisoners at Damanhour prison suffer from the deterioration of their health conditions and the lack of drugs for the ill. Moreover, the administration of the prison does not allow the prisoners to receive the food and drugs offered by families of the detainees during visits. Regular medical examinations are not allowed, despite the fact that the prison includes the most modern hospital as compared to other prisons. In grave cases, the sergeant is informed several times, and then sends the nurse to inject the patient with a pain relieving substance or to send him to the clinic. In such case, the patient receives few dozens of drugs. If one of the detainees expressed his need to go to the hospital, he gets there with blunders on his eyes. He is casually examined and then gets shocked with electricity. Only criminal prisoners benefit from the clinic of the prison.

In case a prisoner suffers from pulmonary tuberculosis, he gets deposited in part 1. Patients of skin diseases are also deposited in the same part. Part 1 is divided into 4 seclusion cells. The one cell contains 16 – 19 prisoners. Moreover, each two cells were merged together. The number of prisoners deposited in these cells amounted to 30 prisoners – rendering the cells overcrowded.[210]

In its annual report, EOHR 14 cases of death of detainees over 1998 due to badness of health care in four prisons: El Fayoum Public prison (4 cases), Torah prison (4 cases), Damanhour prison (3 cases), Abu Za'abal prison (one case), and the New Valley prison (one case). No decision of release due to health reasons was issued to any of the said cases, in spite of the deterioration of their health condition. Such is a flagrant violation of the provision of Article 36 of Law No. 396 of 1956 on the regulation of prisons stipulating that "*any prisoner who proves to be suffering from a grave illness threatening*

[210] *In Defense of the Rights of Prisoners*, a report by the Human Rights Association for the Assistance of Prisoners about the situation of the Egyptian prisons, 1997 – 2000

his life or poses a threat of a total disability shall be referred to be examined by the head of the medical department in the prison in coordination with the forensic physician to consider his getting released."[211]

Additionally, EOHR monitored 8 cases of death due to lack of health care in 1999; 4 cases in the New Valley prison, one case in the heavily guarded prison of Torah, 2 cases in Damanhour and one case inside the hospital of Torah prison.[212]

Such phenomenon was aggravated over the following years – resulting in protests by prisoners due to such deteriorating situation. Some detainees declared food strike for various periods of time protesting against inefficiency of health care and the bad conditions in prisons in general. [213]

Third: Deprivation from Education

Deprivation from resuming studies is one of the basic violations accompanying detention. Several detainees got detained while being students. The present and the future of the detainee is undermined by detention, it is further aggravated by the insistence of the prisons administration on preventing from continuing their education. The prison's administration has the final saying in this regard and it usually pose obstacles hindering the detainee from performing his exams.

Moreover, the long terms of detention and the continuing referral of the detainee from one prison to another during the detention term do not provide the stability necessary for studying and performing exams. It is even more difficult for the students of practical faculties necessitating a minimum of attendance and usually the student is not allowed to perform the exams as he did not attend the assigned times. It might be imperative that the family of the detainee file a case before the administrative courts to allow the detainee to perform his exams. The detainee might get a judgment authorizing him to perform his exams; however, it is not enforced due to the long distance between the prison and the university at which the detainee is a student. While performing exams in the special sessions held inside prisons, officers in charge of guarding the examinees tend to insult them and deny them the completion of the period of time allocated for the exam.

Such is in violation of rule No. 37/1 of the minimum typical rules for the treatment of prisoners stipulating that procedures are to be taken to allow prisoners to get educated as long as they can benefit from it. Moreover, Clause 40 of the typical rules for the treatment of prisoners prescribes that each prison is to be provided with a library for the various factions of prisoners. Also, Article 26 of the Universal Declaration of Human Rights stipulates that: "*Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages*." Article 31 of the la on prisons reads as follows: "The administration of the prison shall encourage prisoners to gain knowledge and to get educated and shall facilitate study for the prisoners."

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[211] EOHR Annual Report, *the Situation of Human Rights in Egypt*, 1998
[212] EOHR Annual Report, *the Situation of Human Rights in Egypt,* 1999 - 2000
[213] ibid,

Educating the prisoners is one of the important methods of punitive treatment achieving the first objective behind criminal penalties i.e. rehabilitation of prisoners and reforming them. Education is one of the aspects of treatment contributing to the rehabilitation of the guilty and eliminates ignorance which is one of the reasons instigating criminal behavior. As such, educating the prisoners is a means to the elimination of crime and to rehabilitation.

On the other hand, education results in the change of the channels of thought and the standards of judging people and things. The application of this to the prisoners leads to the alteration of their perspectives of the rules of behavior in society and their realization of the necessity to respect such rules and valuation of the self and of the proper social behavior and the ability to deal with others in various situations. Such is the fruit of the disciplinary role of education. Moreover, education provides those who did not get educated opportunities to shape their future and to practice an honorable work after getting released. They can then regain their status in society. Education provides those who were hindered by detention from resuming their studies with an opportunity to continue their studies and to gain the appropriate scientific degrees. Additionally, education is a model means of spending the time in prison in an interesting manner.

Among the approved principles of modern punitive policies is maintaining the balance between the cultural and educational needs of the prisoner with his other needs. This can be discerned through the complete case study of each prisoner – a means to rendering it what is called "reforming education". The latter is divided into two kinds namely, general and professional education. The general education prevailing in the modern punitive establishments uses the same curricula studied in society in the various education stages. In order for general education to reap its fruits and to resemble education in the outside society, there should be cooperation between the department of educational affairs in the Central Punitive Administration and the ministry supervising general education.

This was explicitly stated in rule 77/2 of the minimum typical rules of the treatment of prisoners: "the system of education of the prisoners should be harmonious with the system of general education in society so that they can easily benefit from such education after getting released." The punitive system in Egypt recognizes the necessity of education; Article 28 of the Law No. 396 of 1956 on the regulation of prisons stipulates that: "the administration of the prison shall educate prisoners while taking into account the age, the ability, and the period of imprisonment."

The Egyptian legislature prescribes the obligation of the punitive administration to empower the prisoner who wants to cultivate himself of achieving such goal and to exert efforts in this direction. Article 31 of the said law as amended by Law No. 87 of 1973 states that: "the administration of the prison shall encourage prisoners to read and to get educated and shall provide the means of study for the prisoners with various degrees of culture and are keen on resuming their studies, and shall allow them to perform exams in the sessions held outside prison."

As per the ministerial decree No. 1026 of 1972, there were established channels for cooperation between the administration of prisons and the Ministry of Education in order to provide opportunities for the prisoners who are keen on resuming their education. In enhancement of the said decree, the Prisons Directorate gained the approval of the Ministry of Education and Al Azhar in 1965 to hold several committees for the prisoners who want to join public certificates and affiliation of prisoners to the faculties which they want to join. In 1986, a decree was issued assigning the Prisons Directorate to afford tuition fees of the various stages of education in order to alleviate financial burdens on the prisoners who are keen on resuming their study.

The most obvious forms of violations of the right to education inside the Egyptian prisoners are the following:
- Prohibition of the entrance of educational books to some prisons e.g. the heavily guarded Torah prison and El Fayoum prison.
- The rejection of the administrations of some prisons to provide the prisoners with educational books.
- The confiscation the books of the prisoners during the inspection campaigns by the Prisons Directorate.
- Prohibition of detainees from performing exams.
- Faculties refuse to hold sessions for exams inside prisons so that the detainees can perform their exams.
- The Ministry of Interior abstains from implementing the provisions of law authorizing the studying prisoners to perform their exams.[214]

Banning of Visits and Communication with the Outside World:

Visiting prisoners and detainees in the various custodies implies great suffering. There are procedural obstacles i.e. families have to go long distances in order to get permissions for visit from Cairo, afterwards, they have to go the same long ways or even longer in order to reach the prisons, some of such prisons are considerably far e.g. the New Valley and El Natroon Valley prisons. After all this exhausting and tiresome ways, visits do not exceed 5 minutes and they are collective in a degrading manner.

No sooner than a family of a certain detainee files a grievance against detention decisions and gets a judgment of release, another decision of detention is passed. When the family wants to visit the prisoner, they do not find him in the same prison and can not reach where he is. Then the vicious circle of search begins in order to know in which prison he is deposited.

The detainee might be deposited to one of the prisons where visits are not allowed. When the family files a case in order to get permission to visit, they re allowed to visit the detainee for once i.e. the judgment, if obtained, is applicable to only one visit.

[214] *In Defense of the Rights of Prisoners*, the Human Rights Association for the Assistance of Prisoners, reports over 1997 – 2000 p. 26

As for the detainees in other custodies such as the places of the state security, they are not allowed even to see their own lawyers. Moreover, no one of the relatives of the detainee dares to ask about the detainee in such places for fear of getting detained himself. Detention places in police stations and security directorates are places in which detainees fail to contact with their families as it implies financial costs which they con not afford due to their poverty and social background. [215]

Chapter 3: Murder and Capital punishment

The right to life is the first of the rights of man since he first appeared on earth. Since his birth, man enjoys some basic rights which developed over ages. Threatening the life of a person by another person or group is a crime against human rights. It should be tackled within its political and social contexts i.e. whether it is perpetrated by an authority such as the state against citizens, or a social crime. In this regard, it is noticeable that the crime of murder (the violation of the right to life) is not a new phenomenon; it is as old as humanity itself, yet it developed over ages with the development of human communities.

[215] See LCHR report, *The Situation of Human Rights in Egypt under the New Extension of the Emergency Law*, 2000

Such phenomenon acquired new dimensions with the emergence of the state authority – as there emerged the mechanisms of organized violence e.g. armies, police, etc, that undertake the protection of political regimes. The other façade of the violation of the right to life is when such practices turn to be widespread phenomena. Despite the fact that such phenomenon appears in almost all societies, the extent to which it is widespread and recurrent is a grave indication of the social, political and economic situation of such society. All social phenomena can not be correctly comprehended and analyzed unless through studying the atmosphere in which they develop.

There are two facades for the violation of the right to life in Egypt; first: murder as performed by the state (police stations, police, prisons, social violence), second: criminal murder. The latter would be tackled as to its development in Egypt over the past five years in addition to the economic and social status that resulted in the growth of the phenomenon.

1- What is the right to life?

Life is the description of the human body as long as it performs its physiological functions as identified by certain natural laws. Such functions are either external performed by the outward organs or internal performed by inward organs. They are either physiological or psychological. Such functions are performed according to natural laws. When such functions are completely blocked, the human body is deprived of life and turns into a corpse. Violation of life, regardless of the means, is the total de-functioning of the human body.

Although the right to life is primarily individual, it does have a social aspect. Whether it is agreed that such right is the society's as well as the individual's, or that it is purely the individual's, both affect the interest of society. The social aspect of this right is highly significant; for the individual it is imperative in order to enjoy any other right or to be entrusted with any social matter, it is, on the other hand, a condition for the society in order to survive and prosper.

The importance of such right is highlighted by all international conventions on human rights. Article 6 of the International Covenant on Civil and Political Rights stipulates that: *"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."*

Punitive legislation guaranteed that right by prohibiting the act of murder. Murder is "any assault by someone on other leading to his death". The said definition identifies all the parties of the crime of murder; the right being violated is the right to life. It points out that the crime necessitates a concrete aspect i.e. the action of violating the right to life and the result id the death of the assaulted person. There is a cause and effect relationship. Murder does have a moral aspect i.e. the criminal side in case the murder is premeditated, or mistake when the crime is not intentional. The first side is the object of the assault, namely, the life of the victim. The right to life is the interest protected by law while the body is performing the minimum of its functions that are inevitable so that the body gets

totally de-functioned. Law protects the right to life abstractly as every right necessitates the protection of law. In other words, law perceives life as a biological and social phenomenon that is worth protection in all it phases, there is no difference between life in its beginning and another that is about to come to an end.

The concrete aspect of murder contains three elements: the act of violating life, the result as manifested in the death of the victim and the causal relationship. The first element, namely the act of violating life is a behavior the result of which is the death of the victim i.e. it is suitable by nature to achieve that result. If it achieved the said result, then the crime of murder is complete. If it failed due to reasons other than the intension of the defendant, it is considered an initiation to murder.

The second element, the result, necessitates that the criminal act results in the death of the victim. Such death is the result recognized by law whether it took place during the assault or after it. The "result" is not to be substituted by any injury affecting the offender even if death is inevitable, as long as he did not die yet.

The third element i.e. the causal relationship is defined by the Egyptian Court of Cassation as follows: *"the causal relationship is a concrete relationship starting with the action of the causer and is morally related, as he should have expected the result of his action, whether he did it on purpose, or outside his being aware of the repercussions of his behavior and expecting that his act would result in a great tore."*[216]

2- Murder by the State

The state violation of the right to life of citizens is more grave and influential than the individual social instances of the crime. This is due to the authority and influence of the state agencies and personnel enabling them to evade penalty in cases of making violations by the officials of such agencies. Based on the experience of human rights organizations in monitoring the violations of the right to life committed by the state, it is noticeable that the police institutions might be the only places where such violations are practiced, particularly police stations and centers. What is even more awful is the increase of death due to torture which has become systematically practiced at police stations and custodies. Besides, there is the cases of arbitrary execution i.e. the penalties passed by martial courts such as the Supreme State Security Court (emergency). This point will be tackled in detail in another chapter.

The reason why the phenomenon of the violation of the right to life dramatically increased over the recent years is the flaring up of public protests all over the country and the accompanying clashes with the security forces. The latter repress such protests violently – the reason behind the numerous victims of such aggressive actions. Thus, the state violence against citizens and the violation of the right to life is part and parcel of the political, economic and social environment.

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[216] *The citizen's right to security*, Chancellor Samir Nagi, the National Center for Social and Criminal Research, Cairo

3- Death on the hands of the Police (1998-2003)

Over the 1990s, the Ministry of Interior used to justify its use of violence and torture as an inevitable kind of self defense against the fundamentalist Islamic groups threatening public security. The 1990s ended and the threat posed by the Islamic groups came to an end. After the 1997 terrorist attack in Luxur, such threat decreased until it almost vanished. However, the human rights organizations monitored further violations of the right to life as cases of death due to torture increased in police stations and custodies in addition to the cases resulting from confrontations with the security forces.

Violations of the right to life committed by the police can be categorized as follows:

First: violent confrontations between the security agencies and the militant Islamic groups.

Second: Cases of death due to torture in police stations and prisons, and those resulting from the lack of health care inside custodies and police stations.

Third: overuse of arms by the police to disperse demonstrations and peaceful assemblies.

Fourth: implementation of arbitrary execution as ordered by martial courts and state security courts.

First: violent confrontations between the security agencies and the militant Islamic groups

In 1998, EOHR monitored the death of 17 affiliates of militant Islamic groups during the raids performed by the security agencies on their hideouts particularly in El Menya governorate. EOHR monitored the death of 7 citizens due to being attacked by members of the militant Islamic groups. Moreover, two children and one citizen were killed due to being present at the scene of incidents. 12 policemen were killed during such confrontations.

The following table illustrates the confrontations between the police and the militant Islamic groups over 1991- 1998

Year	Police victims	Militant groups victims	Total
1991	-	7	7
1992	3	37	40
1993	91	59	150
1994	91	134	225
1995	102	193	295
1996	53	34	87
1997	44	32	76
1998	15	13	28

Total	399	509	908

(Source: The Human Rights Association for the Assistance of Prisoners)

Further confrontations between the state and the militant Islamic groups did not start until March 1998. It was a bloody start; EOHR monitored the death of 17 people during that month. Such confrontations were initiated by the state in the total of the raids conducted by the state in El Menya governorate.

On May 18, 1998, security forces attacked the hideouts of the group in the farms of Tinda village in El Menya governorate killing four of the group's members. One citizen named Ramadan Abdel Reheem, a peasant, was killed while being present in the scene. Another citizen and one sergeant were also killed.

June and the first half of July of the same year passed calmly. On July 14, 1998, security forces attacked one of the harbors of the group in Abu Qerqas center in El Menya governorate. Both exchanged fire leaving two leaders of the group dead and one sergeant dead.

In August 7 citizens were killed after the attacks performed by the Islamic groups with the pretext that they assisted security forces. [217]On November 2, 1998, two members of the Islamic groups were killed by the security forces in a confrontation that took place in the farms of Galal village in El Gharbya governorate. The press reported during the same month the death of 8 citizens in El Menya governorate due to the explosion of land mines in sugar cane farms where militant Islamic groups used to hide.

The death toll of clashes between the government and the militant Islamic groups in 1998 amounted to 39 cases – according to EOHR reports. By the end of 1998 and the shrinkage of military operations by Islamic groups due to several reasons, among which is the confrontations with the state, and early 1999, Egypt witnessed a state of stability as to the violence by the state. After 1998, human rights organizations did not monitor cases of death due to confrontations between the state and militant groups. However, there were other victims of the violence of the security agencies, but due to other reasons.

Second: Cases of death due to torture and other violations at police stations and prisons

In spite of the end of violent confrontations with the Islamic groups and the calmness of militant political violence in Egypt over the late 1990s and the beginning of the new millennium, the crime of torture at police stations did not came to an end, it even increased. What is graver is that it turned to be dramatically more violent to the extent that it leads to death in many cases. Such cases mushroomed to the extent of being a phenomenon.

[217] EOHR Annual Report, 1998

In its annual report about the situation of human rights in Egypt, EOHR monitored 7 cases of death in prisons and other custodies, 4 cases are suspected to have died due to torture. Moreover, there are complaints and information about the death of 15 political detainees due to intentional deprivation of health care.

An instance of this is the death of a citizen named Rabie Ahmed Soliman. In December 1998, he was detained in Snorus police station in El Fayoum governorate. The public prosecution issued a decision of releasing the said citizen on December 16, 1998. However, the head of investigations in the police station, officer Omar Gabir refused to implement the said decision and insisted on detaining the victim and ordered his aids to torture him. He even ordered them to pour kerosene over his body and set it on fire, accordingly the victim died due to severe drop in the blood circulation resulting in the blocking of the functions of the brain. [218]

The year 1998 ends with the death of 15 cases due to torture inside custodies and police stations in Egypt. The number rises to 37 cases during 1999-2000, 22 cases of which are due to torture. EOHR monitored 6 cases of death due to badness health care in the prisons of Damanhour and the New Valley over 1999 only. [219]

Another instance of death due to torture is that of a citizen named, Ahmed Hassan Abu Zeid, 26 years old. He was arrested and detained in the investigations unit of the Shubra El Kheima second police station. On March 2, 2000, a force from the said police station broke into the house of the detainee headed by an officer named, Abdel Nasser, and accompanied Abu Zeid's mother and younger brother to the police station and kept them waiting for three hours. Afterwards, they were informed of the death of their son. When the victim's brother inquired about the cause behind the death of his elder brother, the said officer battered him.

An instance monitored by EOHR about the conditions of prisoners inside the prisons of Damanhour and the New Valley is the death of a citizen named Abdel Nasser Mohammed Ahmed. He was born in Tama village, Sohag governorate. He was detained in 1994 and died on June 19, 1999 due to badness of health care in the prison of the New Valley. The same reason was behind the death of Mahomud Agami Mohalhal in Damanhour prison on October 21, 1999.

Despite the fact that there is no information available about violation of the right to life at police stations over 2001, 2002 EOHR report indicates the flagrant continuation of such violations by the police. EOHR monitored 10 cases of death over 2002 at police stations due to being tortured. [220] For instance, a citizen named Medhat Fahmi Ibrahim was accused in a case of robbery. When the police broke into his house, they did not found

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[218] Press Release, The Human Rights Association for the Assistance of Prisoners, March 11, 2001

[219] *Tuberculosis: Slow death inside the prisons of Damanhour and the New Valley*, 11th report by EOHR about the living and health conditions inside the Egyptian prisons, 2000

[220] *The Situation of Human Rights in Egypt*, EOHR, Cairo, 2002

him. He gave himself up to the police station through the Public prosecution. He was deposited in the investigations unit in the police station at 4:30 pm. On 7:45 pm of the same day, the said citizen was dead. Some eye witnesses affirmed that he was tortured by the investigations officer and his aids. In the complaint submitted by the family of the victim to EOHR, some injuries were enumerated e.g. a cut in the right ear, several bruises in the arms, a sign of injection in the right arm, two lines of cuts over the back due to being battered by a whip or a stick, bruises under the stomach and several bloody scars in the head.

Third: overuse of arms by the security agencies to disperse demonstrations and peaceful assemblies

The police forces repress any attempt by the citizens to express their problems and need in a collective way, even if peaceful. In 1998, 5 citizens were killed due to the over use of fire guns by the police in Al Qarna village in Luxur and Belqas city in Daqahlia governorate. The police excessively used guns to disperse assembled people protesting against the practices of the police namely, the death of a citizen inside Belqas police station and thearbitrary implementation of orders to diminish buildings in Al Qarna village. A citizen named Hamada El Ma'adawi died after being shot by an officer to disperse the demonstration by the people of the village protesting against the death of Wahid El Sayed Ahmed Abdallah inside the Belqas police station.

Moreover, on December 17, 1998, four citizens were killed by the police in Al Qarna village in Luxur. Confrontations between the police and the people of the village broke out after a police force headed to diminish some buildings in the village. The police fired guns excessively and haphazardly resulting in the death of Mahmoud Ahmed Ramadan (50 years old), Mohammed Ahmed Ateya (29 years), Badawi Ahmed El Behiri (24 years) and Mohammed Ahmed Mahmoud (38 years). [221]

On December 22, 1999, a quarrel took place between an officer named Nagi Abul Ma'ati from the Traffic department in Tanta and a driver named Farouk Kamel. Some people interfered and battered the driver while others tried to help the drivers by stealing the gun of the officer. In response, the officer shot several bullets haphazardly, resulting in the injury of several citizens and the death of a man named Gamal Sha'ban Abdel Salaam. Accordingly, people set the police vehicle on fire, blocked the traffic and attacked cars and buses present in the scene. The police forces haphazardly arrested 19 citizens.

On August 27, 1999, officer Ahmed Abdel Ma'boud Arafa, head of the "Tarak" police station was conducting an inspection campaign on Al Soufya road, accompanied by the heafd of the investigations unit at Awlad Saqr center. Meanwhile, the said officer arrested some passers by and attacked a wedding ceremony in the village and arrested the bridegroom and some of the attendants. When people assembled before the police station calling for the release of those who got arrested, the said officer fired the gun of one of the guards leading to the injury of a lady named Nadia Abdel Baqi. She was shot in her right eye. Afterwards, the same officer haphazardly arrested 14 people – accusing them of

[221] *The Situation of Human Rights in Egypt*, EOHR, Cairo, 1998

assembling and disobeying authorities and the prosecution imprisoned them for 15 days.[222]

The year 2000 teemed with instances of assaults by policemen against citizens while assembling peacefully – practicing their legal right to assembly. The most prominent of such violations are the incidents during the People's Assembly elections. 8 citizens were killed, including a young girl, in several governorates e.g. Port Said, Monufya, Dammietta, Cairo and Qaliubya. In the constituency of Al Arab and El Dawahi in Port Said, a young girl died after being suffocated by the smoke during the riots. In the constituency of Ashmoun in Monufya governorate, Gamal Abdel A'al Youssif, a 38-year-old teacher, died after being shot in confrontations between the police forces and the citizens. Moreover, Hani No'man El Siussi, a 16-year-old lad was shot dead in the same confrontations. During the elections, two citizens were shot dead in Shubra El Kheima. Besides, in a massacre in Tokh center, Qaliubya governorate, 3 citizens were killed by the police forces that fired guns in order to prevent people from casting their votes. Also, in the protests against the Israeli atrocities against the Palestinian people which took place in Alexandria University, fierce confrontations took place between the students and the state security forces. A student named Mohammed El Saqqa died after being shot during confrontations with the state security forces which violently repressed the protests of the students. [223]

4- <u>Capital Punishment in Egypt:</u>

Capital punishment is the severest kind of penalties facing defendants. The concept of punishment has several basics, the main objective behind which is the protection of society, on the one hand, and the reform of the behavior of offenders, on the other hand. As such, capital punishment is unjust as it violates one of the basic objectives behind punishment, namely, reforming the behavior of the offenders. There is no room for reform after ending life. The Egyptian legislation identified a number of crimes the punishment of which is the capital punishment. The legislator set many regulations and frameworks marginalizing the valuating authority of the judge as regards capital punishment. Such punishment is restricted by many legal and administrative procedures e.g. the defendant to be executed must pass through all the established litigation procedures in the Egyptian law until it reaches the Court of Cassation – even if the defendant did not ask for fulfilling all such litigation procedures. Moreover, the law stipulated that his case should be referred to the "Mufti" of Egypt. It is conditional that the order of execution be ratified by the President of Egypt prior to its implementation.

Table (2) illustrates some data indicating that capital punishment is more applicable to men than to women. 90% of the cases of capital punishment are carried out against men. This is parallel to the reality of the Egyptian society as men outweigh women in committing crimes. This is largely due to the weak social role of women based on a heritage of social and religious concepts rendering women in a weaker position than men,

[222] *The Situation of Human Rights in Egypt*, EOHR, Cairo, 1999 - 2000
[223] See LCHR report, *Democracy and the State of Emergency in Egypt*, 2003

not only in the field of crime, but also in other fields such as: political participation and contribution to the intellectual and cultural life.

Arbitrary execution (after summary trials):

The phenomenon of arbitrary execution started with the increase in actions of violence between the state and the militant Islamic groups in the early and mid 1990s. Many of the affiliates of such groups were referred to martial courts – where the requirements of impartial trials are not applicable. Litigation before such courts is not hierarchical. However, it is obligatory that the rulings made by such courts be ratified by the President of Egypt. It is noteworthy that the president has ratified most of such execution rulings passed by such courts – if not all of them.

Many human rights organizations scathingly criticized the martial courts as they pose a blatant violation of several human rights such as: the right to be trialed before a normal judge and that litigation should have several degrees so that the rulings passed may be challenged at a higher judicial degree. Martial courts were also criticized for comprising military panels – usually lack studies and proper rehabilitation that would render them qualified to be men of law and justice. Table (2) on capital punishment illustrates the execution rulings passed by martial courts and state security courts, which are criticized for the same reasons as martial courts, have significantly decreased.

From 1998 to 2001, only 14 rulings of execution were passed. This might be deemed a positive development when compared to the total of the execution rulings passed by martial courts from 1992 to April 1996 amounting to 70 rulings.[224]

Table (1) Judges and Policemen

Classification	Urban	Rural	Total
Judges	3431	475	3906
Police officers	15501	2204	17705
Aids of officers	32964	53524	86488
Guards of prisons	665	573	1238
Firemen	1740	1979	3719
Total of the personnel of the police and the security	92858	158648	251500

[224] The Human Rights Association for Assistance of Prisoners, non periodical report, April 1996, p. 20

services			
Total of judges and prosecutors	Unknown	Unknown	6920

(Source: public counting 1996)

*Note: the total of the judges and the prosecutors was in a statement by the Prime Minister in Al Ahram Newspaper in 5/12/2003

Table (2) Capital Punishment[225]

	1998	**1999**	**2000**	**2001**	**Total 2002/2003**
Rulings of Capital punishment	73	108	79	67	327
Men	65	96	72	62	295
Women	8	12	7	5	32
Capital punishment by state security courts	5	9			14
Criminal rulings of capital punishment	68	99	79	67	313
Men	60	87	72	62	281
Women	8	12	7	5	32
Implementation of execution	48	16	22	4	90
Men	41	13	16	3	73
Women	7	3	6	2	17

5- Economic and Social Dimensions of the Crime of Murder by the State:

Violence by the state is like other phenomena, the product of the prevailing political, economic and social atmosphere in society. In order to comprehend the violence practiced by the state against civilians to the extent of violating the right to life, it is imperative to analyze the economic and social frameworks of such practices.

Hence, there is a relationship between the social conditions and the state violation of the right to life. The violations, to which the poor are usually subjected, whether on the level of civil and political rights or the economic and social rights, indicate that there is a critical disequilibrium between the authorities and the society. From the cases of violation of the right to life committed by the state, the following can be discerned:

First:

The confrontations between the state and the militant Islamic groups over the 1990s included a large percentage of cases of murder by the state. In spite of the great threats

[225] Report on Egypt by Amnesty International, 2001/2002

that terrorism pose on society, it can not be casually analyzed by considering its results and hence supporting the state practices against such groups. Due consideration should be given to the social root causes of the phenomenon. It is well known that the phenomenon of fundamentalist terrorism emerged in Egypt within a critical economic and social context. First, occurred the change in the social situation, maintained by new liberalism and transformation towards capitalism and private sector policies. This resulted in grave social changes, the most prominent of which was the crisis of the middleclass. The latter developed under the capitalist policies of the state over the 1960s and early 1970s. such class gradually eroded to poverty and marginalization. The situation as such provided an environment suitable for the emergence of Islamic extremism as an alternative for those youth who found themselves with no future.

In a nutshell, there are social and economic dimensions for the growth of the phenomenon of religious extremism in Egypt; the main reason behind it is the policies of the state. The latter resulted in the poverty of many factions of the society. Meanwhile, the state confronted such phenomenon by severe suppression implying numerous massacres on both sides.

This might be illustrated through the cases monitored of the confrontations between the security agencies and the militant Islamic groups. Most of such cases occurred in Upper Egypt, characterized by high rates of abject poverty, social exclusion and marginalization. It also spread in the slums of the urban areas where poverty and low standards of living prevail.

Second:

If the state or rather, the security agencies managed to suppress fundamentalist extremism by violently attacking the Islamic groups, it actually failed to address the economic crisis and the consequent social tensions. On the contrary, the crisis was even aggravated by the beginning of the new millennium. Rates of unemployment and poverty increased in addition to the sky-rocketing prices together with other manifestations of the aggravating crisis. The parallel to the Islamic groups is the recurrent public protests. Thus, trivial events beget huge social turmoil leading to violent clashes between the security forces and the citizens. Such clashes are accompanied by all forms of violations. The most violation ever committed is the violation of the right to life. For instance, the accidents on the high ways, where a citizen dies and huge numbers of his relatives assemble and attack the symbols of the authorities e.g. police stations, means of public transportation, railways …etc. besides, there were the incidents at El Koshh village and the peaceful protests and assemblies in all of which, the security forces used repressive means against the protesters. It is illogical that the reaction to a car accident, for instance, be the burning of cars, high way robberies and attacking police stations. However, there is social turmoil that is being aired through such protests due to the bad living conditions. Such protests recur in the poor areas. No cases of assembly against bad services were monitored in the rich districts such as: Zamalek, Ma’adi, Mohandeseen, etc.

Despite the fact that peaceful assembly without prior notification is guaranteed by Article 45 of the Egyptian Constitution, most of the cases of communal violence occur in response to assaults by policemen against citizens and violations of their right to peaceful assembly to express their opinion. This is what takes place during dispersing demonstrations and peaceful marches that are not without victims.

Third:

An alarming phenomenon that is mushrooming is the increase in the cases of death due to torture at police stations in Egypt. As mentioned before in the part about torture, it is noticeable that the poor are the most subjects to such practices. There is a disparity between the numbers of cases of death due to torture in the police stations of the same governorate. They increase in the police stations located in poor areas. In Cairo, examples of police stations where cases of death due to torture occurred are: Bulaq Abul Ela, Shubra El Kheima, El Waili, and in Giza: Omranya, Imbaba and Bulaq El Dakrour. The said areas are characterized by abject poverty. The other façade of the phenomenon is that the perpetrators evade punishment easily. It is rare that policemen are investigated by the authorities – a fact that aggravates the problem.

Chapter Four: Recurrent Detention

Detention is the most methods of violence employed by the executive authority against many sects in society. Political opponents, intellectuals with ideologies contrary to the regime, fundamentalist or terrorist groups, and criminal offenders come on equal footing. Over the last decade, the use of detention as a penalty increased dramatically. This is

manifested by the expansion I the establishment of new prisons and detention places. Over the last decade, the government established 21 prisons with the cost of $ 2 billion.[226]

It is noteworthy that the number of the newly established prisons approximately equals the exiting number of prisons. Thus, the total number of prisons in Egypt amount to 43 prisons. The number of detainees amounts to 16, 000 detainees – according to the unofficial statistics. [227]However, other unofficial estimations raise the number to 25,000 cases of detention. In spite of the blackout imposed by the government on the real number of detainees, some governmental sources estimate the number at 10,000 detainees in Egypt.[228] The previous numbers include political and criminal detainees. No information is available about the said division of detainees. However, there are indications that the vast majority of such detainees are either political or affiliates of terrorist groups. In this chapter, the various aspects of the phenomenon of Incidence of torture will be explored.

1- Detention and the Emergency Law:

The Egyptian Constitution explicitly referred to torture. Article 71 of the Constitution states that: "*Whoever gets arrested or detained shall be informed of the reasons behind arrest or detention, and shall have the right to inform whoever he deems suitable of what befell him or to ask for his assistance in the manner regulated by law, the arrested or the detained one shall be immediately informed of the charges brought against him and may appeal before the judiciary against the events that undermined his personal freedom*." However, Emergency Law No 162 of 1958 is the steam engine and the magical stick through which the emergency authorities take several exceptional measures. Article 3 of the Emergency Law stipulates that: "*The president of the Republic may, whenever the state of emergency is declared, take the appropriate measures to ensure security and public order*." The said article enumerated a number of measures that may be undertaken by the President of which is orders of detention. In this regard, the Prime Minister or the Minister of Interior may be authorized to pass such orders. The long period of enforcement of the Emergency Law, which will last until May 2006, resulted in the increase of the number of detainees for various reasons. Such long period lead to the ignoring by the security forces of monitoring the developments in the world of crime, accordingly, such agencies depend on the Emergency Law in combating the various forms of crime, despite the fact that there are the normal laws such as: Law on Combating Terrorism and Law on Thuggery. However, the Emergency Law is the means invoked by the authorities to practice detention.

<u>Kinds of Detainees:</u>

Detainees can be divided into two major types:

a. Political Detainees:

[226] EOHR report, *Detention: a Crime against Freedom and Personal Safety*, 2001
[227] Papers of the General Conference of Al Tagammu Party, 2003
[228] EOHR, *Prisoners without Trials*, p. 10

This category includes whoever gets detained due to his political or intellectual inclinations or being an affiliate of fundamentalist or terrorist groups whether such affiliation implies actions of violence or not. They are sub-divided into two categories:

- Those who got detained as per administrative decrees despite the fact that they gained release rulings. New detention decrees are issued on a date precedent to the date of release.

- Those who got detained after being charged in major cases and gained release rulings. However, they are kept detained by virtue of successive administrative decisions.

b. Criminal Detainees:

Those are the people notorious for committing crimes, or those against whom more than a final sentence ruling was passed for having committed one of the crimes enumerated in the Suspicion Law. Those are detained as per Article 3 of the Emergency Law stipulating that: "*The President of the Republic may, whenever the state of emergency is declared, arrest suspects or those threatening security and public order and detain them*."

Recurrent Detention:

The phenomenon of recurrent detention is the most blatant form of abuse of the government of the Emergency Law. Recurrent detention is defined as follows: "*The undermining of someone's freedom unless he perpetrated a crime that justifies his getting arrested or to be trailed by virtue of successive administrative decrees issued in conflict with the provisions of the law or by violation of the judicial rulings acquitting or releasing the said person and in non conformity with the standards of justice banning the punishment of any person on one action more than once.*"

Since the early 1990s, and with the expanding detention campaigns carried out by the security agencies as a preventive action against violence, such procedure i.e. detention is no longer a "timed" action as stipulated by the Constitution, the law and the human rights instruments. Security agencies kept on renewing the detention decrees of some detainees despite the fact that such people have several release judgments. Such renewal is in violation of the Constitution and the international human rights organizations which prohibit the administrative detention for more than 30 days. It is imperative to release the detainee unless such detention is renewed before the due date of release by the judiciary. There are several instances of recurrent detention in the Egyptian prisons. Two examples are provided here.[229] The first illustrates that recurrent detention resulted in a 7-year-detention of one of the detainees, from December 3, 1991 to November 21, 1998 without having committed any crime or received any punishment save an administrative decree by the authorities arbitrarily detaining him without any legal or constitutional basis. The second case illustrates the same misery; the detainee spent 10 years as a detainee without any charge or penalty.

[229] Ten years or more under recurrent detention, the Human Rights Center for the Assistance of Prisoners, reports committee at the center, 1997 – 2000, p. 633

The first case:

Name of detainee: Hamdin Abdel Aziz Abdel Hafiz

Age: 28 years

Place of residence: El Fayoum, Upper Egypt

Social status: Single

Place of Detention: the New Valley prison

Education: Technical diploma

Date of detention: December 3, 1991

Table (1) the number of release and detention decisions for the detainee "Hamdin Abdel Aziz Abdel Hafiz"

No.	Date of Release	Date of Re-detention	Time interval
1.	February 10, 1992	March 22, 1992	40 days
2.	June 4, 1992	June 16, 1992	12 days
3.	September 2, 1992	September 11, 1992	9 days
4.	November 17, 1992	November 22, 1992	5 days
5.	February 24, 1993	March 2, 1993	6 days
6.	March 2, 1993	March 4, 1994	2 days
7.	May 12, 1994	May 18, 1994	6 days
8.	July 7, 1994	July 18, 1994	1 days
9.	September 17, 1996	September 21, 1996	4 days
10.	April 29, 1997	May 3, 1997	4 days
11.	November 8, 1998	November 21, 1998	13 days

(Source: a certificate issued by the office of the Public Prosecutor on December 27, 1999)

The second case:

Name of detainee: Fathi Saber Mohammed Dessouqi

Age: 34 years

Place of residence: Beni Sweif, Upper Egypt

Social status: Single

Place of Detention: the New Valley prison

Education: University student

Date of detention: February 20, 1990

Table (2) of the detention decisions of the detainee "Fathi Saber Mohammed Dessouqi"

No.	Date of Release	Date of Re-detention	Time interval
1.	April 4, 1990	November 21, 1990	7 months
2.	January 17, 1991	February 20, 1991	33 days
3.	April 15, 1991	April 22, 1991	7 days
4.	June 6, 1991	June 8, 1991	2 days
5.	July 9, 1991	July 18, 1991	9 days
6.	August 29, 1991	September 9, 1991	10 days
7.	September 29, 1991	November 24, 1991	25 days
8.	January 11, 1992	January 13, 1992	2 days
9.	March 9, 1992	March 24, 1992	15 days
10.	April 29, 1992	May 6, 1992	7 days
11.	June 3, 1992	June 16, 1992	13 days
12.	July 15, 1992	July 28, 1992	13 days
13.	October 10, 1992	October 17, 1992	7 days
14.	November 1, 1992	November 10, 1992	10 days
15.	February 18, 1993	February 26, 1993	8 days
16.	March 22, 1993	March 22, 1993	Same day
17.	July 13, 1993	July 23, 1993	10 days
18.	December 25, 1993	January 1, 1994	6 days
19.	April 27, 1994	May 7, 1994	11 days
20.	June 5, 1994	June 19, 1994	14 days
21.	October 27, 1994	November 1, 1994	4 days
22.	January 5, 1995	January 15, 1995	10 days
23.	August 28, 1995	August 30, 1995	2 days
24.	August 16, 1998	August 24, 1998	7 days
25.	March 20, 1999	March 26, 1999	6 days

(Source: a certificate issued by the office of the Public Prosecutor)

It is noteworthy that during the lapse of time between the decisions of release and re-detention, the detainee is not actually released. He is referred to one of the police stations or a branch of the security agencies until the detention decision is renewed and then he is referred again to the prison.

3- The most prominent violations undergone by the detainees inside prisons and custodies

a. Torture and Ill treatment:

The testimonies of the detainees and their families indicate that the crime of torture is practiced on a large scale inside prisons. There are various methods of torture e.g. battery, kicking, libel, eye-blundering, shaving head and beard … etc. This has been tackled in detail in the chapter about ill treatment in this report. [230]

b. Badness of health care:

The reports conducted by human rights organizations confirmed that the detainees do not receive proper health care. Moreover, the over-crowdedness of the cells provides an atmosphere for infection and the spread of epidemics. This has been tackled in detail in the chapter about ill treatment in this report.[231]

c. Deprivation from education:

Detainees inside the Egyptian prisons suffer deprivation from resuming education, in violation of the provision of Article 38 of the regulations on prisons stating that: "*The administration of the prison shall undertake the education of prisoners with respect to the age, ability and the period of penalty*". This has been tackled in detail in the chapter about ill treatment in this report.

d. Deprivation from Visits:

The administrations of visits resorted to deprivation from visits as a kind of collective punishment against detainees in most of the prisons. This was not restricted to communication with the families, but also with the attorneys, in violation of the provision of Article 3 (bis) of the Emergency Law stipulating that: "*the detainee may contact whoever he deems suitable to be informed of what befell him and to contact a lawyer*." It is well established that the detainee's right to contact his family and a lawyer is not to be undermined by the administration of the prison unless in limited cases and for limited periods of time according to the provision of Article 42 of the law on the regulation of society No. 196 of 1956 authorizing the administration of the prison to prevent visits to the detainee due to health or security conditions. However, such prevention is to be temporary.[232]The reports by the human rights organizations indicate that some visits totally prohibited visits over the period from 1993 to 2001 such as:

- The heavily guarded prison of Torah
- Torah reception prison
- Liman Abu Za'abal prison

This has been tackled in detail in the chapter about ill treatment in this report.

[230] EOHR report, *Detention: a Crime against Freedom and Personal Safety*, 2001
[231] ibid, p. 14
[232] the magazine of the Center's Reports from 1997 to 2000, *the Kingdom of Silence*, the Human Rights Center for the Assistance of Prisoners

4- Economic and Social Impacts of Detention:[233]

Detention is not restricted to the violation of thousands of people of their natural right to freedom and personal safety. However, it has several social and economic implications on the detainee and his family. There is no definite statistics indicating the numbers of detainees and their economic and social conditions as affected by detention. However, a field study conducted in 1998 and included the cases of 400 detainees, some information as to their economic and social information about them.

The impact of detention on the detainee himself:

Table (3) the Ages of the Detainees included in the Study

Age	Number	Percentage
Under 18 years	2	.5%
Under 21 years	9	2.25%
Under 25 years	76	19%
Under 30 years	124	31%
Under 35 years	99	24.75%
Under 40 years	66	16.5%
Under 45 years	16	4%
Under 50 years	5	1.25%
Older than 50 years	3	.75%

The above mentioned table illustrates the ages of the detainees included in the study. It is obvious that 98% of the sample is under 50 years old i.e. the working age – indicating the economic impacts on the detainee and his family. This age is the age of bread-winning and performance of family duties including economic and social ones.

Table (4) Geographical Distribution of the Cases included in the Study

Geographical Distribution	Number of Cases	Percentage
Upper Egypt	300	75%
Cairo and Lower Egypt	100	25%

Table 4 illustrates the geographical distribution of the cases included in the study. It is noticeable that 75% is based in Upper Egypt – an indication that Upper Egypt witnesses high rates of political and communal violence. Researchers ascribe it to the

[233] This part is based on the field research conducted by the Human Rights Center for the Assistance of Prisoners entitled: "*The Impact of long-term detention on the Egyptian Society*", 1998

marginalization of the Upper Egypt as regards the projects of development and participation in the political, social and economic life. The levels of development in Upper Egypt are significantly lower than in Cairo and Lower Egypt.

Table (5) the Degree of Education of the Cases

Educational Degree	Number	Percentage
University degree	59	14.75%
Intermediate level	185	46.25%
Students	65	16.25%
Uneducated	91	22.75%

Based on the above mentioned table, it is obvious that 61% of the cases are holders of high and intermediate degrees in addition to 16.25% students. Usually they are intelligent students. The reason behind detention may be in several cases the lack of communication between society and the authority. This is due to the complex nature of society in handling issues such as: freedom, creed, authority, homeland and religion.

Table (6) the Custodies of the Cases included in the Study

Place of Detention	Number of Detainees
The New Valley	184
El Fayoum	94
Abu Za'abal	16
Liman Abu Za'abal	1
Torah Reception	4
Liman Torah	1
Wadi El Natroon 1	29
Wadi El Natroon 2	8
Heavily guarded of Torah	3
Damanhour	47
Shebin	4
El Menya	1
State security units – police stations	2
Unknown places	6

It is obvious that most of the detainees are deposited to custodies that are far from Cairo and the inhabited area. This is a kind of punishment for the detainee as well as his relatives or the so-called "banishment". The families are afforded huge economic and physical costs in order to visit their relative detainees in such deserted places as Wadi El Natroon and the New Valley.

The Impacts of Detention of the Family:

Table (7) the Impact of detention on the stability of family life of the cases included in the study

Social Status of the Wife after Detention	Number	Percentage
Did not change	200	94.79%
Thinking of getting divorced	9	4.27%
Got divorced	2	.95%

The number of married detainees included in the study amounts to 211 detainees. The social status of the vast majority of the wives of detainees did not change. This increases the family's dependency on what the wife can get in addition to the high probability of emergence of odd social relationships due to the increasing tensions in the relations among individuals.

Table (8) the Impact of detention on wife labour

Wife labour	Number	Percentage
Number of wives	211	
Working before detention	16	6.85%
Working after detention	36	17.06%

It is noticeable that detention pushes wives to work. The number of wives working after detention of husbands is almost double the number of wives who were working before detention.

Table (9) Pressures undergone by wives after detention

Source of pressure	Number	Percentage
Authorities	15	7.11%
Her and her husband's families	15	7.11%
Place of work	1	5.04%
Neighbors	14	6.64%
No pressures	166	.67%

The wives of the detainees included in the study have undergone several degrees of pressure by the security forces and the society. The society poses pressures due to inherited concepts that the husband is the guardian of the family and his absence make the family prone to the assaults by others. The security pressures on the wives of detainees are a kind of punishment irrespective of the tore caused to the innocent relatives of such detainees.

Table (10) the Impact of detention on the behavior of the detainees' children

The psychological status of children	Number	Percentage
Seclusion and humiliation	181	85.78%
Wrath and violence	23	10.9%

Did not comprehend	7	3.32%

Table 10 illustrates the implications of detention on the psychology and behavior of the children of the detainees. The study indicates that 85.78% of the children of the detainees feel humiliated and are introverts while 10.9% feel infuriated. In 95% of the cases of detention, detention results in negative implications on the morale and behavior of children. This is the same situation with wives. The children of detainees suffer cruel circumstances starting with the absence of the father and the lack of the family atmosphere necessary for proper up bringing. Furthermore, they feel socially excluded by others due to their circumstances. Many of the children of detainees drop out from schools due to lack of care and poor financial means. The result of this formula is a desperate generation.

Table (11) the relationship between the family of the detainee and the relatives

Kind of relationship	Number	Percentage
Sympathy	150	37.5%
Seclusion	143	35.75%
Severance of relations	107	26.75%

The above mentioned table displays the direct impact of detention on relationships in the one household. 37.5% of the families of detainees found sympathy; however, 62.5% were faced by exclusion and severance of relations with the relatives.

Table (12) the relationship between the family of the detainee and neighbors

Kind of relationship	Number	Percentage
Sympathy	203	50.75%
Seclusion	144	36%
Severance of relations	53	13.25%

The percentage of sympathy by the neighbors with the family of the detainee amounts to 50.75% while exclusion and severance of relations amount to 49.25% - indicating the schism in the reaction of neighbors to the family of the detainee. They are either supporters or denouncers of the situation of the detainee. This is reflected on the society at large.

Table (13) professions of the detainees included in the study

Profession	Number	Percentage
Public sector	111	22.75%
Private sector	129	32.25%
Unemployed	73	18.25%
Student	87	21.75%

Detention results in an economic imbalance as 55% of the families included in the study got affected by detention; 22.75% of the cases depend on the salary of the detainee which does not even meet the least needs. However, such percentage is much luckier than the families of the detainees who used to work for the private sector amounting to 32.25% as their income stopped for good.

Table (14) the source of income of the families of the detainees included in the study

Source of income	Number	Percentage
The detainee's salary	111	27.75%
A working member of the family	262	65.5%
Without income	27	6.75%

According to Table 14, some of the members of the family have to work in order to provide for the family. Usually, it is the detainee's father, wife or son. The situation gets aggravated by the additional costs posed by detention as illustrated in Table 15.

Table (15) additional burdens afforded by the families of the detainees

Kind of burdens	Number	Percentage
Money for the detainees	323	80.75%
Lawyers' fees	288	72%
Costs of visit and transportation	267	66.75%

72% of the families of detainees afford additional costs namely, judicial costs. 80.75% afford additional costs exemplified in money to be sent to the detainee. Meanwhile 66.70% afford additional costs of visits and transportation. Many families afford the three forms of additional costs. The impact of detention is not excluded to the above mentioned examples; it does affect future plans of the detainee and his family as illustrated in Table 16.

Table (16) the impact of detention and the future plans of the detainee and his family

Future plans	Number	Percentage
Future plans are available	71	17.75%
All plans are conditional on the release of the detainee	329	82.25%

The percentage of the families whose future plans are postponed until the release of the detainee amount to 82.25%

Detention affects the extent of the participation of the detainee's family in public affairs affecting society as provided in Table 17.

Table (17) the impact of detention on the awareness of the families of the detainees of participation in public affairs

Participation of the detainee's family in public affairs	Number	percentage
Positive and interactive	41	10.22%
Negative	359	89.78%

The data provided in Table 17 draw the attention to the fact that suppressed anger, even if it pretended to be negative, might violently explode. Then, the society would fall in a vicious circle of violence and counter violence.

Chapter 5: violence and forced disappearance

The phenomenon of forced migration is new to the Egyptian society which started to steadily increase over the last two decades – an indication of the critical situation. This new phenomenon increased till it reached its peak in the mid 1990s. It is noteworthy that most of the monitored cases were not of affiliates of political currents particularly the Islamic ones. The phenomenon of coercive disappearance synchronized with the eruption of actions of violence between these currents and the government. Such confrontations were due to political and religious reasons. The actions of violence were accompanied by several violations such as torture and forced disappearance in addition to blatant

violations of human rights e.g. violation of the right to freedom and personal safety and the proper human treatment. [234]

1- The Egyptian Law and Forced Disappearance:

The Egyptian Constitution and laws include numerous rules and provisions ensuring the protection of human rights, however, no explicit provision prohibits forced disappearance. Nevertheless, the regulations guaranteeing human rights might be applicable to the case of coercive disappearance such as:

- Article 41 of the Constitution states that: "*Personal freedom is a natural and guaranteed right and unless caught red-handed, nobody may be arrested, searched or deprived of his freedom by any restrictions or banning from movement unless by an order necessitating conducting investigations and maintaining of public security, such order shall be issued by the appropriate judge or the Public Prosecution as per the provisions of law*."
- Article 42 of the Constitution stipulates that: "*every citizen arrested or suffers restrictions on his freedom shall be treated in a manner maintaining human dignity and may not undergo physical or mental abuse and may not be detained or imprisoned in places other than those regulating prisons.*"
- Article 57 prescribes that: "*any abuse of the personal freedom or the personal life of citizens as well as other public rights and freedoms ensured by the Constitution and the laws shall be deemed a crime the criminal and civil case resulting from it shall not be repealed due to being old and the state shall ensure the provision of just compensation for the one that has been assaulted*."
- Article 71 establishes the right that: "*Whoever gets arrested or detained shall be informed of the reasons behind arrest or detention, and shall have the right to inform whoever he deems suitable of what befell him or to ask for his assistance in the manner regulated by law, the arrested or the detained one shall be immediately informed of the charges brought against him and may appeal before the judiciary against the events that undermined his personal freedom, or else, he shall be immediately released.*"

The previous constitutional Articles include significant guarantees against the phenomenon of forced disappearance or undermine it as the authorities restrict the processes of arrest and detention by the following procedures:

- Detention may not take place outside the places identified for such purpose.
- Whoever gets arrested or detained is to be informed of the reasons behind arrest or detention.
- Immediate contact with whoever he deems necessary, and seeking the assistance of a lawyer.
- His relatives are to be informed of the place where he is detained.
- Nobody is to be arrested, detained or searched unless by an order by the appropriate judge or the Public prosecution.

[234] for details see LCHR report, *Liberating Agricultural Lands in Egypt*, 1998

In addition to the above mentioned constitutional guarantees, the code of criminal procedures poses another restriction on the authorization of arrest. Article 41 of the said code prohibits "*the arrest or detention of anybody unless by an authorization from the appropriate authorities and shall be treated in a manner maintaining human dignity and may not be physically or morally abused*." It further confirms that "*nobody shall be detained in places other than the appropriate prisons and no officer of any prison shall admit anybody to the prison unless by a signed order by the appropriate authorities and shall not keep him later than the period identified in the said order*."

Articles 42 and 43 of the code of criminal procedures held the Public prosecution responsible for making sure that no people are illegally detained or arrested or in places other than the identified ones. It is to conduct investigations and to release any person who was illegally detained or arrested. Article 42 of the code of criminal procedures stipulate that: "*members of the Public Prosecution and heads and deputies of the primary and appellate courts may visit public and central prisons under their jurisdiction and ensuring that there are no illegal detainees and may have access to the records of the prisons and the orders of arrest and release and to have copies of such orders*." Moreover, Article 43 of the same code prescribes that: "*whoever gets to know of illegal detainees or detainees in places other than the established ones may inform a member of the Public Prosecution and as soon as the latter is informed, he shall immediately move to the place where the person is detained, conduct investigations, order the illegal detainee to be released and to write a report about the incident*."

2- <u>Legislative Deficiency in combating Forced Disappearance:</u>

The Egyptian legislations did not include explicit legal clauses addressing the phenomenon of forced disappearance. Such deficiency is exemplified in the weak punishments imposed on the perpetrators of such crime. Besides, the abused citizen is not entitled to file a direct misdemeanor against the official who committed the said crime. Article 2 of the code of criminal procedures includes an item authorizing the Public Prosecution only to file the direct misdemeanor. Article 280 of the Penal Code states that: "*whoever arrests or detains someone without an order by an appropriate judge and other than the cases established by the laws and regulations on arrest due to suspicion, shall be imprisoned or fined no more than LE 200*." This means that the Egyptian law deems the crime of forced disappearance a misdemeanor and not a felony. Moreover, the fine established by law does not exceed $ 35 irrespective of the period of such forced disappearance; a person might coercively disappear for 10 years and the perpetrator is fined only $ 35. Another aspect of the legislative deficiency is that the Public Prosecution and other inspection agencies are not compelled to perform their duty and legal monitoring of prisons and custodies. It is customary that such inspection is not performed and is usually made in an artificial manner.

3- <u>Forced Disappearance and the Emergency Law;</u>

The phenomenon of forced disappearance, though new to the Egyptian society, is related to two factors: first, the exchanged violence between the militant Islamic groups and the state, second, the state of emergency which was declared since the assassination of president Saddat and will remain in force until May 2006. The Emergency Law allows the authorities to impose several restrictions on some public and personal freedoms and rights such as the freedom of assembly and movement. Moreover, the Emergency Law increases the authorizations s regards detention, administrative blocking and pre-trial detention for reasons not established in the normal laws and legislations. Article 1 of Law No. 162 of 1958, the Emergency Law, states that: "*the state of emergency shall be declared whenever there is a threat to security and public order on the territories of the republic or on part of it whether there a war breaks out or a state speculating an upcoming war or in the event of riots in the country or public crises or the outbreak of an epidemic*." The said Article enumerates the conditions for declaring the state of emergency in a general sweeping manner. Article 3 of the same law stipulates that: "*The President of the Republic may, whenever the state of emergency is declared, arrest suspects or those threatening security and public order, detain them and authorize that people and places be searched without being restricted by the provisions of the code of criminal procedure*." The last paragraph of the said Article prescribes that: "*in urgent cases where the procedures established in this Article require a verbal order, verbal orders shall be enhanced in writing within 8 days*." "*Neither the arrested nor the detainee may, as per emergency law, appeal against the decision of detention or arrest until one month precedent to the date of issuance of such decision. Such appeal shall be made before a supreme state security court and the arrested or the detainee shall not submit another appeal until one month after the first appeal*." As such, each time there should be an interval of one month between the successive appeals. This state of emergency and the consequent authorizations granted to the authorities allow the phenomenon of forced disappearance to spread. The probability of issuing verbal detention orders and depositing the arrested in illegal custodies or the postponement of submitting the appeals increase the cases of coercive disappearance. This is best manifested by the several cases that have been deposited in prison more than 10 years ago and were not released yet.[235]

4- <u>Forced Disappearance in Egypt:</u>

The phenomenon of forced disappearance is relatively new to the Egyptian society and that it is considered few as compared to other forms of violence practiced by the state agencies such as torture and detention. However, several sources have recorded cases of coercive disappearance. It is not easy to know the actual number of the cases of forced disappearance as the ones who undergo such abuse refrain from informing the appropriate agencies whether governmental or not. This is either due to lack of awareness or for fear that the disappeared one might be assaulted in case that his relatives file a complaint.

It is noteworthy that there is another phenomenon known as temporary forced disappearance facing many of the detainees and the ones arrested in criminal cases. According to the data provided by the Committee for Defending Democracy, a committee

[235] LCHR, *Democracy and the State of Emergency in Egypt*, 2003

comprising some Egyptian parties and human rights organization, the number of detainees is estimated at 20,000 detainees. The vast majority of such detainees are not allowed to contact their families or to inform them that they have been detained. Moreover, the authorities refuse to provide the families with any information about such detainees, particularly during the period of detention prior to the issuance of the detention decision. Accordingly, the detainee spends a period of time where he is under forced disappearance before his family can have information about him or to contact him. This is manifested in the several instances of recurrent detention as during the interval between the date of release and re-detention, the authorities do not allow any information about the detainee i.e. he is under forced disappearance. However, 52 cases of coercive disappearance have been monitored from 1992 to 2001.[236]

Table (1)[237]

Forced Disappearance; Security and Political Indications

	92	93	94	95	96	97	98	99	2000	2001	To
No. of cases of forced disappearance	4	4	8	8	13	10			3	2	5
Responsible agency											
Police %	50		12.5	12.5	23	50			100		28
State security %	50	75	87.5	87.5	46	40				100	51
Unidentified security agencies %		25			31	10					19
Political inclination of the disappeared											
Politically active %		25	87.5	75	61	40			33		51
Does not have political activities%	10	50	12.5	12.5	30.8	30			33		30
Unknown %		25			7.7	30			33	100	17

(The Human Rights Center for the Assistance of Prisoners)

5- Forced Disappearance and Civil and Political Rights:

Table (1) illustrates the cases of forced disappearance over 1992 – 2001 and the responsibility of the police, which is aught to be in charge of public security, and the state security investigations, which is aught to be in charge of political security, about the cases of forced disappearance. Through the table it is obvious that the period over which coercive disappearance was at its high was the mid 1990s; 1994, 1995, 1996 and 1997 –

[236] EOHR, annual report, 2002, p. 87

[237] The data provided in the table has been collected from the EOHR annual reports of 2001, 2000, 1996, 1991, 1990 and the report by the Human Rights Association for the Assistance of Prisoners, 2001

the years over which actions of violence erupted between the state and the militant Islamic groups as illustrated in Table (2).

Table (2)

Development of Political Violence

Year	Police victims	Islamic groups victims	Total
1991	-	7	7
1992	3	37	40
1993	91	59	150
1994	91	134	225
1995	102	193	295
1996	53	34	87
1997	44	32	76
1998	15	13	28
Total	**399**	**509**	**908**

(The Human Rights Center for the Assistance of Prisoners)

The Emergency law and Law No. 97 of 1992 on combating terrorism grant the authorities many authorizations undermining several freedoms and civil and political rights. However, the security forces did not implement such laws while combating militant groups. They resorted to the operations of forced disappearance – with all the threats it impose to the right to life.

Chapter 6: Official Violence against Children

First: Violence at police stations

The problem of the displaced children is one of the grave social problems facing the Egyptian society due to the bad social impacts on such children. Children of the streets are those who were discarded by their families and were subjected to violence by the family, their employer, or the school and did not find any resort but the street.

Instead of shouldering their responsibility towards such children, the state and its agencies arrest them. The police keep them in inhuman circumstances- endangering their health. They are usually kept for several weeks without food or water. In some cases, they might be detained with adult offenders who usually abuse them physically and sexually.

The police justifies arresting such children that they are to "vulnerable to delinquency". Their presence in the street is a threat to the society as they make the reserve of crimes, begging, thuggary, violence, drug trafficking, and prostitution. Despite the fact that these children do not commit any of the said crimes that the police fear, they are arrested and investigated for several days during which they get subjected to various forms of physical, psychological, and sexual abuse.

The police deliver such children to their families or deposit them in the social care institutions without any judicial interference to end the causes behind their presence in the streets to which they return soon. Then, the vicious circle of arrest and release starts which does not end until such children are destroyed.

The reasons behind the phenomenon:

Dr. Maha El Kordy, at the National Center for Social and Criminal Research says that: "The phenomenon of displaced children is one of the problems that have recently emerged in the developing societies in general, and the Egyptian society in particular…This phenomenon is one of the implications of the bad economic conditions and the accompanying social changes which most of the developing societies undergo."[238]

The head of the public administration of investigation of juveniles, colonel Mohamed Nour Eddin Mahmoud, first aid of the Minister of Interior, defines the displaced children as: "the children whose families failed to meet the minimum of his basic needs in education, food, clothes, and entertainment…Such children have not committed any crimes yet. However, they are present at the street for most of the day threatening themselves and the society."[239]

The extent of the phenomenon:

Reports of the public security in Egypt indicates that a yearly significant increase in the rates and numbers of the displaced children who are "vulnerable to delinquency". The real numbers of the displaced children are hard to estimate due to the following reasons:

1. The displaced children are widespread in many places. Hence, it is hard to estimate their real number as they are continuously escaping from the police.

[238] Labour magazine, April 2002
[239] Al Ahram newspaper, 19/12/2003

2. Many families refrain from reporting about the disappearance or escape of their children, particularly when they are the reason behind their escape, whether due to the violence of the father, the mother, the step-father or the step-mother. The reason also might be the cruelty of life and the limited sources of the family and its inability to meet the needs of its children. Another reason might be the desire of the family to push its children to work I order to help in providing for the household.

However, the statistics provided in the official reports of public security about the total number of displaced and absent children might be tackled as general indications helping to understand the phenomenon and its dimensions.[240]

The security reports point out that there is an increase in the rate of children misdemeanors from 4332 cases in 1995 to 6536 cases in 1996- highlighting the need to address this problem.[241]

The latest statistics issued by the National Council for Childhood and Motherhood estimated the number of such children at 750,000 displaced children- an indication of the aggravating phenomenon. The council dedicated the year 2003 to the displaced children.[242]

Such huge numbers of children exist in the street despite their will and without a real choice on their part. They are pushed to such situation due to the inability of the family to meet the basic physical, psychological and cultural needs of the child due to a deteriorating economic and social reality the family is undergoing. Their presence in the street for most of or all of the time, away from the care and protection of the family make them "vulnerable to delinquency" and abuse. Over 2001, children at risk faced 3069 cases e.g. 129 juveniles were killed-88 males and 41 females, 175 male and 125 female children were sexually abused. 1230 displaced girls have been raped, 21 males were tortured and 7 females for conducting immoral acts, 40 male and female children were abducted to be manipulated in criminal acts.[243]

The violence which such large numbers of displaced children undergo in police stations or during chasing, arrest, pre-trial detention, investigations,…etc, begets a feeling of hostility towards a society that does not protect them or help them overcome the peril they are facing.

This is manifested in the latest statistics issued by the Directorate of Public Security about juvenile crimes over 2003. Drug cases including juvenile delinquents amounted to 144 cases of trafficking including 9 females and 137 cases of drug abuse including 6 females. Besides, there are the misdemeanors of drug abuse and trafficking in

[240] Labour magazine
[241] ibid
[242] Ahwal Masrya
[243] LCHR, *Child Abuse in Egypt*, November, 2002

manufactured drugs such as drug pills; 12 cases of trafficking including one female child and 133 cases of abuse including 5 females.[244]

Hence, security agencies handle the problem from a legal perspective using the terms identified in the law on juveniles such as: displaced, begging or being "vulnerable to delinquency". However, the issue needs a comprehensive study that would tackle the social conditions that begat such a phenomenon and to try to change such conditions in favor of such children. Only then, forms of violence practiced by policemen against such children, e.g. battery, torture, threat of murder, sexual abuse and other violent practices might cease to occur.

For further consolidation of official violence, i.e. by the police, some cases are recorded in the Human Rights Watch (HRW) report issued in February 2003 entitled "*Charged with being children – Egyptian Police Abuse of Children in Need of Protection*" will be tackled.

A 16-year-old girl named Amal, living in the street and sleeps in a public park, says: "*The government put me in a microbus and took me to the Sahel police station [in the Shubra neighborhood], up the stairs to the detectives' office. The officer there hit me with his hands and then made an investigative report. Then he sent me to the bottom floor of the lockup. That time I was in the lockup for two days; the other times it was for four days*."[245]

The report proceeds: *"… police detained Amal without food or bedding in a crowded, filthy cell, with adults who beat and threaten her. Police at the station did not protect Amal from abuses by adult detainees and beat and threatened her and other girls detained with her, using degrading, sexual language*."[246] Amal said that her father removed her from school before she finished first grade. She supports herself by begging and selling tissues. Amal's younger brother also lives in the street.

"*Human Rights Watch interviewed thirty-five children who had been arrested at least once. All of the children reported being beaten or subjected to obscene and degrading language while in police custody*." This was in Cairo, summer 2002.[247] HRW confirmed that it had found out evidences of grave violations of the rights of children by the police outside custodies. The most awful types of abuse are practiced in the custodies of the juveniles and adults.

A 14-year-old boy named Ziyad said: "*We were four kids, in al Manial [neighborhood]. It was during the day. There were six or seven police who came in "the box" [a pickup truck with partially covered back]. They hit me on my back with a stick until the stick*

[244] Al Ahram, 19/12/2003
[245] HRW Report, "*Charged with being Children – Egyptian Police Abuse of Children in Need of Protection*", February 2003
[246] ibid
[247] ibid

broke. Then they hit me with a glass bottle and the bottle broke on my back."[248] "*The police usually beat you during the arrest and at the police station*." – said Yusif, sixteen. "*Even the police who know you*"

Anwar, fifteen, from Upper Egypt and is displaced in Cairo said: "*The police grabbed me and hit me and tied my hands with a rope and put me in a car. Then they took me to the police station, first to Giza police station and then to al Azbekiya police station*." This arrest was in February 2002. He added that in the second experience in June 2002, "*Police used an electric baton to shock him.*" He said: "*The police in the white police cars sometimes have an electric baton, a black one that they use. About a month ago, police in a white car grabbed me. They were for police but only one used electricity on me. He said 'what made you leave your house?' I told him, 'I'm from here, form Giza!' I knew if I told them I was from [a city in the Sa'id] they would arrest me and send me back. Anwar said that police eventually released him without taking him to the station*."[249]

The HRW report further states that: "*Police routinely used obscene and degrading language to humiliate and intimidate children during arrests. The most frequently reported verbal abuse used by police included calling children "bastards", "whores" ... all extremely offensive attacks on family and personal honor in the Egyptian society. ... Violence and the threat of violence during arrest to humiliate and intimidate children was often an integral part of other forms of abuse, including police extortion and sexual abuse and violence*." [250]

The said report did not only illustrate the violations undergone by children during arrest, but also the conditions during transport to police stations or sending them back to their original birthplaces. It also displayed the violations that children face at custodies.
* For further details, see the said report.

In a nutshell, the violations and methods of violence employed against children while arrested, referred and detained in police stations are exemplified in the following:

1. Ill treatment inside the police stations and detaining the child for more than one week without charging him with a certain offence or referring him to the appropriate prosecution.
2. Discharging the peculiarities of the child and detaining him with adults-allowing them to abuse the child physically and sexually.
3. Use of Iron shackles, shackling more than one child in a single shackle or lightening it so that the child gets bruises in his hands.
4. Forms of physical abuse (battery, kicking, use of electric sticks), sexual abuses and harassments and psychological abuses through libel, humiliation and degradation.

[248] ibid
[249] ibid
[250] ibid

Second: Violence against children in the establishment and social care institutions:

Law No.31 of 1974 on juveniles was passed and remained in force for a long period of time until it was repealed by the child law, law No.12 of 1996. The latter maintained the provisions of a number of Articles of the law on juveniles; however, it defined the "juveniles delinquent" as "children" instead of the term "juveniles"- a positive stance of the new law.

The law defined the term "child" as the one who did not exceed 18 years old (Article 2) or who did not exceed 18 years while the crime was committed or while being present in one of the cases of delinquency (Article 95).

Article 96 of the said law defines the cases of being "vulnerable to delinquency":

1. If found begging; acts of begging include displaying trivial goods, making juggler games and other forms that do not suit to be a serious source of income.
2. If collected dog-ends, or other wastes.
3. If practiced works that have to do with prostitution, immorality, gambling or drugs and the like or serving who perform them.
4. If he does not have a stable place of residence or if he is used to sleep in the streets or places not suitable for residence and sleep.
5. If he contacted children "vulnerable to delinquency", or suspects or those notorious for bad behavior.
6. If he used to drop out from institutes of education or training.
7. If he was not well behaved, or was an escapee from the authority of his father, guardian or mother – in case his guardian is dead, absent or legally disqualified. In such case, no procedure against the child shall be taken, even for investigation, unless upon the permission of his father, guardian or mother – as appropriate.
8. If he lacked a lawful means of breadwinning or an honest supporter.

Article 97 of the said law states that: "*social danger for the juvenile under 7 years is provided if he gets "vulnerable to delinquency" as enumerated in the previous Article or if he committed an offence that may be deemed a felony or a misdemeanor*."

Moreover, Article 45 considered that the child might be "vulnerable to delinquency" if he was suffering from a mental or psychiatric illness or weakness. In such case, he shall be deposited in the in one of the specialized hospitals. Despite the fact that several legal clauses guaranteeing children, the specialized care institutes still lack the basic requirements for performing its reforming and medical role.[251] Such institutions are supposed to perform their role in reforming and rehabilitating children through scientific and technical programs aiming primarily at taming and treating delinquent children and reintegrating them in society as proper citizens.

[251] In Defense of the Right of Prisoners, The Human Rights Association for the Assistance of Prisoners, 1997 - 2000

Such institutions are also entrusted with empowering juveniles of continuing their education or to acquire a particular profession through which they can depend on themselves and discard all the negative concepts that render them "vulnerable to delinquency" this can be achieved when juveniles join special centers at the institutions including a committee comprising social, educational, professional and sport specialists. All of these study the case of each child and prepare a program for looking after him at the institution and monitoring the implementation of such programs. However, this is never fulfilled due to the over crowdedness of theses institutions in Egypt with the poor financial, human and technical resources. [252]

There is a proportional increase in the number of juvenile care institutions in Egypt, according to report No. 14 by the Committee of Services at the Shura Council in February 1992. The number of the said institutions was estimated at 24, 18 for males and 6 for females. According to the estimation of the administration of social defense in the Ministry of Social Affairs, the said number increased to 27 institutions in 15 governorates, 9 of which are Cairo-based. The number of institutions increased from 24 in 1992 to 27 in 2002. This indicates that over 10 years there were only 3 new institutions – unsuitable for the large number of children deposited there yearly, 32231 children.

For instance, in the Juveniles Institution in El Marg, the number of children delinquent or pre-trial detainees during 2001 amounted to 2739 children – according to the statistics, 613 children of which remained from the previous year. The new comers in 2001 amounted to 2126 in addition to those remaining from 2000, 613 children.

The annual increase in the numbers of children with poor resources is a kind of communal violence against such children. The increase in numbers and the lack of resources strain those responsible for such institutions to push them to practice violence against the resident children.

Children fear the juveniles' institution, the governmental social care institutions. They have bitter experiences with it and in most cases; it was the reason behind their escape to the streets.[253]

The Center for the Rights of the Egyptian Child interviewed one of the social experts in el Giza Juvenile Institution. He confirmed that the juveniles under detention and at the institutions of social care suffer from several violations.[254] Violence against these children is also manifested in the fact that judges do not tend to apply mitigated rulings on such children – in violation of Article 111 of the law on child. They also do not implement Article 17 of the Penal Code allowing mercy to the children. They also do not adhere to the minimum of the rules established by the UN on the treatment of delinquent

[252] ibid,
[253] Bothaina Kamel, the Center of the Rights of the Egyptian Child
[254] the reply of the said center to the report by the Committee against Violence

children which prescribe that the undermining of the child's freedom should be restricted and that punishment is the last resort. [255]

Cases of pre-trial detention:

Egypt is a signatory to the Un Rules on the minimum treatment of children, emphasizing the necessity to avoid pre-trial detention and restricting this to the exceptional cases only. However, the Egyptian judiciary tends to vastly implement pre- trial detention and not to utilize the alternatives provided in Article 119, paragraph 2 on delivering the child to either of his parents. This is an indication of the increase in detained children under each of the categories of crime. The percentage of the pre-trial detained over 2002 amounted to 31.7% of the total of the resident children. [256]This illustrates the length of the period of pre-trial detention with all its negative implications. The children being trialed are deposited with the delinquent children – increasing the probability of the pre-trial detainees becoming "vulnerable to delinquency".

The lack of categorization of juveniles according to the kind of crime allow the division of children under the system of families, the most delinquent of whom is regarded as the head of the family. He is authorized to beat and even injure whoever disobeys him.[257] The supervisors on the children deposited at the institution physically abuse them to the extent of plain torture e.g. battery, deprivation from food, hanging, extinguishing dog ends in their bodies. These are instances of the violence practiced against the detained children at the punitive establishments and the social care institutions. This necessitates immediate interference by the appropriate agencies to stop such violations and to emphasize the implementation of the international conventions to which Egypt is a signatory and activating the provisions of law No. 12 of 1996 on the Egyptian child.

Third: Violence against the Disabled Children

The disabled amount to 1340 of the total of the population of Egypt, children make a third of this amount i.e. the number of disabled children amounts to 2.5 million children, with various forms of disability.

The rights of these children are violated for the following reasons:

1- There is a deficiency in treating the mentally disabled foundling children. They are not allowed to have birth certificates like their foundling peers deposited in such institutions.
2- The provisions of law obliging employers to allocate 5% of the job opportunities for the disabled and 2% of which to the qualified children are not implemented. This is manifested in the high rates of unemployment over 1999 did not exceed 9.8%. It should be heeded that those who work are employed in jobs that do not suit their disabilities, particularly the sight disabilities. Accordingly, they turn to be surplus

[255] ibid
[256] ibid
[257] ibid

labour power that can be easily disposed of, to join the queues of unemployment once again. [258]

3- Deficiency of the services provided for the disabled. According to the estimations of the National Council for Childhood and Motherhood, they do not reach but a small number. This is in spite of the fact that Egypt is a signatory to the international conventions prescribing the facilitation of provision of services for the disabled. The state does not assume its role in providing the environment that would suit the disabled e.g. means of transportation, housing, pavement, etc.

4- In the social institutions, the disabled children are deposited with the rest of normal juveniles – except for the mentally disabled. There is no consideration of their special needs. Moreover, the officials responsible for dealing with children inside such institutions are not qualified to deal with the disabled child – creating a problem of alienation and lack of communication between the disabled and the rest of the surrounding people.

[258] ibid

Chapter 7: Institutional Violence against Women

This is the kid of violence inflicted on women by the various state agencies. This is manifested by the laws that help discrimination against women and depriving them from positions of authority or promotion in their work due to reasons relating to their gender or even presenting them in an improper manner in the mass media. The rights of women might be also violated through the various state agencies such as: work, prisons, police stations, social care institutions as well as the educational establishments.

The violence of law:

a. The Nationality Law:

The number of Egyptian women married to foreigners amounts to 286, 000 women and their children exceed one million, based on an unofficial statistic.[259] The Egyptian law denies such children the right to acquiring the Egyptian nationality. The law enumerated the cases of transferring the nationality; that the father is an Egyptian, unknown, with an unknown nationality or stateless or that the child is born to unknown parents. As such, the law deprives the children of the Egyptian woman married to a foreigner from acquiring the Egyptian nationality – a form of discrimination between men and women as the children of the Egyptian husband married to a foreigner wife are granted the nationality of their father even if they were not living in Egypt. However, the children of the Egyptian woman married to a foreigner are denied the Egyptian nationality even though they are living in Egypt and have never left it. This implies a flagrant violation of the Egyptian Constitution and all the international agreements and conventions to which Egypt is a signatory.

The foreigner woman married to an Egyptian might be granted the Egyptian nationality if expressed her desire to do so. However, the Egyptian woman is not allowed to grant her nationality to her husband. She cannot pass her nationality to her children unless the father was unknown, with an unknown nationality or stateless.

Egypt has rejected Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women. This Article applies equality in nationality. Egypt has signed to the convention in 1979 and then ratified it with some objections in 1981. The rejection of the Egyptian government of the right of the Egyptian woman to pass her nationality to her children is a double discrimination. It implies a kind of discrimination between men and women in the right to pass the nationality. Moreover, it distinguishes between Egyptian women according to their husbands – a fact not applicable to men regardless of the nationality of the wife.

[259] The Center of the Issues of the Egyptian Women, Mohammed El Ghamry, ibid,

This entails several problems as the children of the Egyptian women married to foreigners be treated as foreigners and are denied the privileges of the Egyptian citizen. For instance:
- Such children are treated as foreigners. They need a residence permission to be regularly renewed. This entails the following, first: the fees of renewing residence, posing a burden on the family. Second: in cases of political tensions between Egypt and the home country of the father, the residence of the children might not be renewed and might live away from their mothers. Moreover, the children might be threatened of leaving Egypt, also if they traveled outside Egypt for more than 6 months without getting a permission to return.

- The high tuition fees – obliging many children to drop out from school for the high expenses on the family. They can complete their education, but get their certificates blocked for not having paid the needed fees. In high education, tuition fees are to be paid in hard currency.

Most of the women married to foreigners are young ladies who get married to the rich Arabs under the pressures of the family and seeking some sums of money. Usually, the husband travels and leaves the young wife with her children suffering the cruelty of life and poverty. She goes to work and in some cases, she is obliged to deprive her children from education as she can not afford the high tuition fees. Some women go to courts and confess before the judges that their children are unknown so that the child might acquire the Egyptian nationality. According to the Egyptian law, if the father was unknown, the child acquires the Egyptian nationality and enjoys the free education.

b. The Penal Code:

Article 227 of the Penal Code implies a flagrant discrimination against women on grounds of sex. If the man found his wife practicing adultery and killed her immediately together with the adulterer, he is sentenced to imprisonment and does not receive the established penalty for meditated murder i.e. life-time or temporary labour. This comes as a way of consideration on the part of the legislator of the psychological state that controlled the husband when he saw his wife practicing adultery.[260]

However, the wife who sees her husband practicing adultery and kills him immediately is not granted the same mitigation of penalty and undergoes the established punishment. It goes without saying that the principles of equality and justice, the awfulness of the crime, the similarity of the psychological conditions necessitate that the legislator equalize the husband and the wife in mitigating the penalty.

Moreover, Articles 274 and 277 of the Egyptian Penal Code include a blatant discrimination against women. The two Articles prescribe the punishment of the crime of adultery for both the husband and wife. The place of adultery in the case of the wife is not conditional for fulfilling the crime of adultery. It can take place whether inside or outside the husband's house. However, in the case of the husband, it is conditional that adultery

[260] LCHR, Child Abuse in Egypt, Cairo, 2003

took place inside the marital house. Accordingly, in case that the husband practiced adultery outside house, it is not considered a crime.

Another form of discrimination is posed by the same law with respect to penalty. The penalty of the adulterer wife is a two-year-imprisonment, while the adulterer husband is sentenced to a 6-month-imprisonment. This is a flagrant discrimination between men and women despite the similarity of the offence. This is attributed to the prevailing social values, the total bias to men, persecution, discrimination and violence against women as aided by the state through the various laws.

2- Violence through the Mass Media:

Many studies conducted on the image of women in the read and audio visual mass media found out the following:
- Highlighting the traditional roles of women (wife – mother – house wife) with a semi-complete blocking of their role as workers, producers and participants in development, political life and decision making.
- Continual emphasis on the linkage between women labour and family disintegration. Within the media context, the delinquent children are those of a workingwoman the fields of education and work are presented as places for delinquency on the part of women and not as places for production and gaining knowledge.
- In the content of the mass media, whether, press, radio, television or cinema, women are presented as being dependant on men, serving him, fully depending on him and in total submission to his orders.
- In drama, the image of men is that of championship, violence, physical strength and intelligence, whereas women are portrayed as being vulnerable, stupidity, naivety, and reckless thinking.
- In addition to the image of the submissive wives, women are presented as subjects for excitement and sex. They are also portrayed as the consumers whether of house goods or clothes.
- The media displays a moral bias to men, in comparison with the total denunciation of women. Men are not prone to punishment.

The image of women in the mass media is part of the general policy of the state which manipulates the mass media. This is a proof that the state assumes a re-actionist attitude towards women and does not recognize their social role or in political participation and decision making.

However, this image as portrayed by the media implies falsification of the actual reality as women are partners in most activities. In many cases they are the bread winners of their families. The state and institutions persist in presenting women as objects of desire – an indication of the discrimination against the Egyptian women. [261]

3-Violence at police stations and Prisons:

[261] *The image of Women in the Media*, New Women Studied Center, Cairo, 2003

Violation of the rights of women inside custodies is a direct threat to the rights of the women prisoners. Prisoner women are less protected and fail to file complaints to the authorities in order to maintain their reputation or for fear of being abused together with their families.

In some flagrant instances, me of the security forces assault defendant women or the wives, sisters or daughters of defendants in order to obtain confessions. Such assaults in some cases reached sexual abuse or shocking with electricity in sensitive parts of the body or exposing parts of their bodies. In some instances, women were forcedly aborted.

One of the field studies[262] revealed the awfulness of the violations which women prisoners or detainees undergo, particularly the right to the integrity of the body – a blatant breach of the human rights instruments. Such practices are exemplified in the following:

- Psychological and moral apprehension of women during search and arrest. The investigations forces break into houses paying no heed to the feelings of the inhabitants.
- Arresting and torturing women and hanging them by hands and feet for long periods of time. In addition, they get shocked in sensitive parts of the body and get battered by hands and other devices.
- Sexual abuse of the detained women. In these cases, raped women refrain from disclosing such abuse in order to maintain their reputation. Such assault is usually with the aim of obtaining confessions on their male relatives or their hideouts. One case narrated that she was sexually abused and the officer ordered the sergeants to repeat the same act after him.
- Detaining women in places allocated for the detention of men.
- Over burdening women after detaining their husbands or relatives as they start to provide for their families. Moreover, detainees are usually deposited in far prisons so that women get exhausted and after crossing long distances, the time of visit is too short.
- Compelling veiled women to take off their veils in order to visit their male relatives. Usually, women wearing the Niqab are not allowed to visit their relatives while they are wearing the Niqab.

In several cases, the security forces take women and daughters as hostages to pressure their male relatives to give themselves up. A lady said that after being tortured and hanged in order to sign a decision that her husband practices actions of violence, she was threatened of being rapes and accordingly she signed the decision. Such decision was invoked in charging her husband and trialing him before a martial court.

Moreover, undergo severe pressures in order to ask for getting divorced from their imprisoned husbands. This is meant to humiliate them and to destroy their morale. Some women are pressured to work as reporters for the police and to provide information that would help in many of the political investigations.

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[262] *The Situation of Women inside Egyptian Prisons*, The Human Rights Center for the Assistance of the Prisoners, Cairo, 2001

Personal safety is considered the minimum of the human rights and it should be guaranteed particularly to women as they tend to stability and need to feel secured. Many women, particularly the wives and daughters of detainees, undergo several violations starting with the search campaigns and the unjustifiable arrest. Some of the detained women said that the officers of the state security threatened to rape them or their daughters or raped them actually or threaten them of being deposited in the custodies of men. The Egyptian prisoner women suffer several difficulties starting with solitary confinement and getting subjected to the various forms of violence, in addition to the deteriorating living and health conditions[263] – in violation of the Egyptian law.

It is noteworthy that there are no definite numbers of women prisoners in the Egyptian prisons. A study conducted on the women prisoners at Al Kanater prison in Shubra El Kheima indicates that the conditions of the prisoners are very harsh. There is discrimination between the political and criminal prisoners. They also suffer from malnutrition resulting in several diseases. Moreover, covers and blankets are insufficient. Many women prisoners affirmed that they brought their own covers from their houses. This is in addition to the over crowdedness of the cells as the one part includes more than 200 prisoners. The prisoners suffer from lack of water and means of personal cleanliness – resulting in the spread of diseases among the prisoners and their children. This is a grave threat to their right to life and to personal safety.

The right of women to personal freedom is violated when they are taken as hostages – in contradiction with the principle of punishment. Punishment is not to be afflicted unless on the one who is proven to have committed the crime whether as a main doer or a partner. However, many women are subjected to the undermining of their freedoms and to recurrent detention without being guilty themselves.

In a nutshell, the violence directed against women is not to be separated from the current of violence prevailing in the society at large. Violence directed to women whether sexual, psychological or physical is due to the low status of women in society.

The concept of violence against women is different when it comes to the third world. The societies of the third world are still suffering from various forms of exploitation and economic and political domination under the capital imperialist old and modern systems. Accordingly, the economic, social, political and cultural conditions were affected, and hence the economic, social and political rights of the sects of these societies. It also resulted in creating mutilated production frameworks and social relationships that were reflected accordingly on women and children – being the most vulnerable of the social groups.

In Egypt in particular, the conditions of deterioration and dependency witnessed by the Egyptian society have affected the majority of the social factions. The latter are living a state of poverty, social and cultural deterioration and deprivation. This is in addition to the state of political repression - providing an atmosphere suitable for the spread of violence whether inside the family, the two main victims of which are women and

[263] the Conference on Violence against Women: dimensions and impacts, Dr. Hoda Badran, Cairo, 2003

children, or in the outside relations that control the social and political powers in Egypt. Moreover, the severe social conditions undergone by the poor families whether in the urban or the rural areas are one of the forms of social violence. Such kind of violence is reproduced inside the one family and mostly the victim of which are women and children – the most vulnerable factions prone to suppression and violence. [264]

[264] LCHR, *The Egyptian Women: Deteriorating Situation and Unknown Fate*, 2001

Chapter 8: Violence against Various Social Factions

There is official violence in Egypt practiced against the various social factions. Some forms of such violence will be tackled as follows:

1- Violence against Labourers:

Since the adoption of the policies of structural adaptation in the early 1990s, labourers undergo various forms of violence. Such practices, in fact, are extension to the violence to which labourers were subjected since the 1970s until now. It reached its peak in January 1977, during the uprising of the labourers, 80 people were killed. In the 1980s, a labourer named, Abdel Hay Mohammed El Sayed, was killed by the police during the strike of the Iron and Steel Company in 1989. There was not much of a difference over the 1990s; in 1995, 3 labourers were killed in protests by labourers in El Mahala city.

Moreover, the state made use of the Emergency Law, which will remain in force until May 2006, in practicing all the forms of violence against its proponents particularly the labourers. The latter made several protests over the 1990s until the moment – a natural outcome of the policies of the state based on selling the companies and factories of the public enterprise sector. [265]

Various reports record that most of the protests over the 1990s were due to the liquidization of factories during selling and disposing of the labour power by ill-treatment, forced early retirement and arbitrary dismissal. For instance, 2472 labourers were moved from the cotton mill in Zefta, El Gharbya governorate to the branch in El Mansoura, Daqahlia governorate – far from the city of Zefta by 60 km. [266]the same method was adopted with 1600 labourers at El Gout Company in Shubra, as they were moved to the branch in Belbis, Sharqiya governorate. [267] Over the 1990s, many labourers were forced to early retirement; more than 300,000 labourers in 1997. Some reports indicate that the said number rises to reach 800,000 labourers until 2002. [268]

There are several reasons behind the approval of the labourers to retire early, on top of which is the ill-treatment which they undergo. [269] Other companies adopted the policy of arbitrary dismissal of labourers such as the Kroom Company, as its Board of Directors dismissed 532 labourers. [270]According to the reports conducted by LCHR, ill-treatment

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[265] LCHR, *The Situation of Human Rights in Egypt under the New Extension of the Emergency Law*, Cairo, March, 2000
[266] ibid,
[267] ibid,
[268] *The Concept of Privatization*, Dr. Saad Hafez, training to the Egyptian NGOs, LCHR, Cairo, 2001
[269] The Labourers' University, *The Economic and Social Impacts of early retirement*, 2002
[270] LCHR, *The Situation of Human Rights in Egypt under the New Extension of the Emergency Law*, Cairo, March, 2000

comes on top of the reasons behind protests. [271] The following table illustrates the various reasons that pushed the labourers included in the study to early retire.

Value	Pressures by employers		Disputes in the workplace		Canceling concessions		Other reasons	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
No	559	55.9%	823	82.3%	520	52%	826	82.6%
Yes	441	44.1%	178	17.8%	480	48%	174	17.4%

According to the above mentioned table, canceling concessions was the main reason behind early retirement; 48%. In the second place came the pressures practiced by the employers – 44.1%, then the disputes in the workplaces by 17.8% and other reasons reached 17.4%.

In most cases, violence is initiated non-governmentally by the employers at factories or companies. It takes several forms e.g. ill-treatment, reducing wages or incentives, arbitrary move or dismissal. Consequently, labourers protest and here starts the role of the government; the security forces interfere. For instance, in El Samouli Weaving Company in El Mahala El Kobra; the employer decided to reduce wages and increase the working hours. When the labourers rejected his decision, the employer dismissed one of the labourers. Afterwards, the labourers declared strike and the security of the factory were summoned by the employer to evict the labourers. The employer closed the factory for three days and reopened it, under the labourers' pressure, and re-employed the dismissed labourer. When the labourers called for their pending wages for working per hour – as per the law – the employer re-closed the factory. Heading to the factory to receive their wages, the labourers were met by the security forces that were summoned by the employer in order to repress the labourers' protests. The employer dismissed 16 labourers. The labourers headed to the El Mahala First police station where they filed report No. 8878 of 2003. The officers at the police station locked them up and arrested 8 of them for being charged with assembly. [272]

The said incident is an evidence of the continuous violence practiced against labourers, as it is a typical example of what takes place in most factories. In addition to the queues of unemployment, this affected the conditions of labourers in two ways:

a. The backing of employers by the security forces and the weak role of the syndicates in limiting the authorities of employers in practicing all forms of violence against labourers.
b. The enfeeblement of labourers and hindering them form protesting in an effective and regulated manner.

It is noteworthy that the police rarely take an impartial stance e.g. the incident of strike at the Egypt Air Company in 1999 where the police almost did not interfere.[273] On the other hand, the rate of labourer protests decreased over the past years – 128 protests in 2001 as

[271] LCHR, *Labourers Protests in Egypt*, 2002
[272] LCHR, *Labourers at El Samouli Factory cry for help*, Cairo 2003
[273] LCHR, *The Situation of Human Rights in Egypt*

compared to 96 in 2002.[274] Most of the labourer protests took place in the private sector, 49 protests in comparison with 25 in the public sector. 22 protests in the public sector took place due to the arbitrary dismissal of 31 cases, reducing wages and incentives of 22 cases and 6 cases relating to selling companies. Moreover, there were 5 cases due to arbitrary moving, one case due to the rejection of employing, one case due to the increase in the numbers of labourers and one case due to eviction from house. However, the 15 cases were due to ill-treatment and the arbitrariness of the administration. Moreover, LCHR reports on the conditions of labourers ascribe many of the reasons behind protests to ill-treatment.[275]

2- Violence against peasants:

Since Law No. 96 of 1992 entered into force in October 1997, the peasants experienced the worst actions of violence by the government. The LCHR report[276] recorded the two major forms of such practices as follows:

- Detaining peasants and advocates thereof:

Peasants have undergone blatant violations such as unjustifiable detention, obligation to sign acknowledgments of submitting lands without judicial rulings in addition to haphazard detention – under the Emergency Law. Furthermore, the peasants and the advocates thereof get referred to State Security prosecutions and not to the appropriate prosecutions – with the pretext of maintaining security and public order.

- The government's breach of its previous pledges while enforcing the said law:

1- Priority for Tenants in owning desert lands:

Article 5 of the said law stipulated the right of the tenants of agricultural lands whose contracts expire as per the provisions of the said law to own desert lands that are being reclaimed by the government according to the rules, facilitations and regulations defined for the cases. However, the government started to breach that right by imposing crippling terms and conditions on those entitled to have alternative lands. As such, thousands of peasants were evicted from their lands and did not receive alternative lands by virtue of Law No. 96 of 1992. Besides, there were others entitled to receive alternative lands but received nothing – many of whom filed cases to receive alternative lands, but did not receive anything until today.

As for those who received alternative lands, they received barren lands unsuitable for agriculture. Accordingly, such peasants sold all their properties in their villages of origin e.g. houses, cattle and even furniture and loaned from relatives. However, all their money was wasted on such irreclaimable lands and the peasants are living from hand to mouth and are not able to return to their home villages due to lack of communication.

[274] Resistence is the Way to Victory: Labourers' protests in Egypt, 2002
[275] LCHR, *The Situation of Human Rights in Egypt under the New Extension of the Emergency Law*, March 2000
[276] ibid, p. 10

2- Houses annexed to the Agricultural lands:

The government violated the right of the peasants living in houses annexed to the agricultural lands to get houses. It implemented Article 4 of the said law stipulating the right of the peasants to get an alternative house with a reasonable rent in the local district where he lives and may not evacuate until the alternative house is available. However, the government evicted many peasants from the houses annexed to the agricultural lands such as the case in the helmet of Botros in Al Ayaat center and the Baligh helmet in El Mansoura. Besides, the inhabitants of Al Waqf helmet, El Rahmania center were attacked and horrified by the security forces. This came according to a report by a man claiming ownership of the land on which the peasants have built their houses 50 years ago. In these incidents, some women were aborted after getting beaten on their bellies and thrown into the trenches. More than 50 people were gravely wounded including women and children and more than 100 were arrested. What was even worse is that El Rahmania hospital refused to receive or treat any of the people of the helmet – upon a demand by the security forces. Consequently, the people of the helmet fled to the neighboring villages and helmets. [277]

The state has flagrantly intervened for the sake of the owners of the lands against the peasants using all forms of violence. There are many instances for such practices e.g. in El Zeini helmet, Menyet El Nasr, Qoutat Qaroon village, Wali estate, Ebshwai center in El Fayoum and in other places. In El Zeini helmet, the landlord reported to the police station that he has sold the land but could not deliver it to the new purchaser due to the assembly by the peasants and their rejection to deliver the land. Accordingly, 12 state security vehicles attacked the helmet and started shooting tear-gas bombs. They broke into the peasants' houses, ruined their belongings, battered them, and collected their reserve of food and threw it in the trenches. Moreover, they threw the school books of the students in the trenches and arrested 90 people against whom all the form of torture were practiced – this will be tackled in detail in the part on torture.

Another instance is the incidents in Qoutat Qaroon village and Wali estate. The Public Authority for Agricultural Reform made a conciliation contract with Mamoud Amin Wali, brother of the Egyptian Minister of Agriculture Yussif Wali, establishing that the authority has released an area of 75 feddans and 6 inches in favor of the co-inheritors of the late Mohammed Amin Wali. It is noteworthy that the said piece of land is distributed among peasants b virtue of valid benefit contracts under the Law on Agricultural Reform and that they pay the due installments and taxes since they took hold of the land. Moreover, the said piece of land is distributed among 52 peasants by 1 feddan and 19 inches per each peasant. Besides all the above mentioned acts of violence, 28 peasants were arrested to compel them to sign contracts of rent for the sake of the co-inheritors of Mohammed Amin Wali. They went as far as physically abusing women before their husbands. The helmet was under siege and the phone cables were removed. Moreover, the land was devastated together with the crops in the presence of the peasants. [278]

[277] ibid, p. 15

[278] *Incidence of torture: Facts and Testimonies*, Al Nadeem Center for the Rehabilitation of the Victims of Violence, 2002

According to the LCHR reports, violence has increased in the countryside from October 1997 to December 1999 as an implication of the enforcement of the said law. The incidents of violence resulted in the death of 105 people, injury of 558 and the arrest of 1645 people over the said period.[279]

3- Collective Punishment:

The state, through its various agencies, practices collective punishment in cases of disobedience, forced evacuation, against labourers in cases of protests and used it while enforcing Law No. 96 of 1992.

Policemen practiced collective punishment in Dar El Salam center and the security directorate in Sohag governorate in the wake of the death of two citizens in the riots in El Koshh village. Such practices included haphazard detention of about 1200 people[280], apprehension of people, torture against the detainees and hostages in order to compel them to provide information about the perpetrators of the incidents. Among the detainees were complete families including women, children and elderly. Moreover, the police forces used to insult and humiliate people during arrest.

In Damaro village in Kafr El Sheikh governorate[281], the people were suffering from lack of potable water and all their resources were wasted n getting drinking water that is not suitable for human use. Diseases and epidemics widely spread such as: C virus, kidney failure and Typhoid. People were showered by official promises and statements that their problem would be solved, but nothing was done till the people got desperate. With the death of some people due to such diseases, on July 25, 1998, 25 citizens headed to Sidi Salem Public hospital and declared food strike protesting against the lack of drinking water and the spread of diseases. They ended their strike on July 26, 1998 evening after receiving promises from the governor of Kafr El Sheikh and MPs.

Meanwhile, on July 25, 1998, some citizens headed to the office of the governor to submit the complaints of the inhabitants of the village for the same reasons. Dozens citizens assembled on the high ways intercepting the way of the passing by cars and hindering them from entering the village. When the colonel of Sidi Salem arrived at the area, he ordered them to disassemble, however, people refused to obey him. Accordingly, he called for additional forces – 10 state security vehicles, 3 of the Special Forces vehicles and 4 police vehicles. The people were infuriated and threw huge stones on the said vehicles. Confrontations among the citizens and the security forces lasted for 4 hours during which the police used excessive amounts of tear-gas bombs, rubber bullets rendering 8 people gravely injured and other 50 people. Moreover, the police referred 54 people to the Public Prosecution.

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[279] LCHR, *The Situation of Human Rights in Egypt under the New Extension of the Emergency Law*, March 2000, p. 14

[280] EOHR, *Collective Punishment in El Koshh village*, 1999, p. 20,21

[281] EOHR, *Closed Doors and Misgivings of a New Phase of Social Violence*, 1998, p. 13, 14

Collective punishment was also practiced against peasants while enforcing Law No. 96 of 1992 as exemplified in the various forms of violence practiced against the inhabitants of villages such as: Botros helmet, El Ayaat center, Baligh helmet in El Mansoura, El Zeini helmet, Menyet El Nasr, Qoutat Qaroon and Wali estate in El Fayoum.

Violence against Hawkers:[282]

The socio-economic conditions over the last decade begot a growth in the non official sector at the core of which are the hawkers. The latter work in selling tissues, hair pins, vegetables and fruits, others work in selling clothes and all of them face various forms of violence by the police. It is noteworthy that this faction is characterized by violent behavior – which is notable in the everyday life in the Egyptian street. They are constantly haphazardly arrested and chased by the police. This faction falls under the shadow economy as they do not pay taxes and that their low prices affect the major stores. The police usually sequestrate the gods of such vendors, arrest them and the policemen are used to receiving obligatory sums of money from those vendors.

Violence against taxi drivers:

This faction as well undergoes police violence. They are obliged to work for policemen for free.[283] They are widely known for violent behavior and the spread of libel and quarrels among them.

The third part: incidence of violence by non-state actors

Social Violence

Spreading of violence in the Egyptian society is a normal result of the deep changes in economic, social, cultural, and political circumstances in the past decade. It has become an original characteristic of the Egyptian society. That

[282] LCHR, *Report on the Rights of Labourers: Forced Labour*, Cairo, 2003
[283] ibid

appears in the fact that violent crimes, such as murder, rape, and forced robbery are prevailing most among the poorest social classes or among those classes that are mostly subject to violation of their economic, and social rights, such as workers, the unemployed, and governmental employees.

Table (1) spreading of violence crimes according to social background[284]

Type	Workers	Unemployed	Students
Murder	117	95	17
Rape	30	48	1
Street violence	24	51	0
Robbery	57	92	28
Kidnapping	10	9	0
Total	238	295	46

Source: the volumes of Al-Ahram newspaper in 2000

Data on violence crimes has perplexing indicators due to the inaccurate information of the ministry of interior. The rape crime for example was an unfamiliar crime in the Egyptian society and now it is spreading mainly among the unemployed. Indicator of this crime was up and down many times as follows:

1993	1994	1995	1998	1999	2000
163	203	179	21	25	62

Source: Development report of 1999, 2000 p. 12

People tend to be violent when they are desperate and have no hope of having their rights and urgent needs. Thus, backwardness in living standards is the first reasons for domestic violence for example according to the opinion of 88.33%[285] of writers of fixed columns in independent newspapers. In the second place come general frustration and high rate of unemployment according to the opinion of 82.14%[286] of writers. In the third place come the absence of general behaviour rules in different aspects of life in streets and transportation means for example according to the opinion of 72.26%[287] of writers.

Thus, economic reasons are the most effective variable that leads to violence low living standards and the feeling of suffering push people, especially youth, to violent reactions. The main two problems that lead to violence are unemployment and unequal distribution of wealth as most criminals are unemployed youth

[284] Refer to the tables appendix
[285] Hend Taha and others, a survey of the opinions of writers of fixed columns in Egyptian newspapers about social violence issues in the Egyptian society, National Centre for Social and Criminal Researches, Cairo, April 2002
[286] Ibid
[287] Ibid

between 18 and 30 years old[288]. When a young man works hard for a proper qualification and training, he expects that he will be able to provide himself a proper income. Nevertheless, he finds himself unemployed and unable to achieve his ambitions, thus refuses the social reality, and tends to be violent[289].

Unequal distribution of wealth makes poverty one of the deep characteristics of the Egyptian society[290]. Consequently, a general atmosphere of social dissatisfaction prevails in a way that makes certain social classes and slices more tending to commit violence crimes[291].
That appears in the facts that 47.1% of criminals did not work before their first crime, 60% of robbery criminals are unemployed, 100% of the unemployed get involved in street fighting, and 46.22% of the unemployed commit the crime of stimulating to kill[292].

It is important to mention that the number of unemployed criminals is continuously increasing. The number of the accused of forced robbery for example was 195 in 1982, 72 out of which were unemployed. The number of the accused for this crime in 2000 was 711 and the number of the unemployed among them was 383. Generally, the rate of this crime is rising and the number of the unemployed among them is rising in its turn[293]. Following is a brief of some of violence crimes in Egypt.

1. Murder

The crime of murder represents the highest proportion of perpetrations in the Egyptian society (70%) and 25% of all crimes[294]. The crime of beating to death comes in the second place with the percentage of 18% of total crimes giving a bigger share for the crime of murder[295] according to the statistics of 2000. It is notable that thee reasons for murder witnessed a broader variations and included reasons that do not logically lead to murder. A mother for example killed her 4-month old daughter with poison in order to spare herself of people speech[296] and a young man killed his brother because he used his clothes[297]. The crimes committed for defence of honour represent a big portion of murder crimes and

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[288] Dr. Laila Abdel-Gawwad, Mr. Mohammad Saad Mohammad, youth's views of reality and the future of social violence in Egypt – economic, social, and criminal dimensions of violence in the Egyptian society, fourth annual conference, National Centre for Social and Criminal Researches, April 2003, second volume
[289] Ibid
[290] Centre for Studies and Researches of the Third World, Development in Egypt in 1999, 2000, p. 11-12
[291] Dr. Laila Abdel-Gawwad, Mr. Mohammad Saad Mohammad, Ibid
[292] Magdy Imam, economic changes and domestic crimes in the Egyptian society, an unpublished research, Faculty of Arts
[293] Dr. Mansour Maghawry Hassan, Unemployment and Violence – an analytical study on unemployment and robbery from an economic point of view, social and criminal dimensions of violence in the Egyptian society, National Centre for Criminal and Social Researches, fourth annual conference, Cairo, April 2002
[294] Centre for Studies and Researches of the Third World, Ibid, p. 12 – 13
[295] Ibid
[296] Yehia Naguib, I killed my daughter in order to live, Akhbar El-Youm newspaper, 6/12/2003
[297] Mohammad El-Asmai, the end of addiction. Akhbar El-Youm

the poorest classes witnessed a bigger portion of murder crimes. In the meanwhile, this crime spreads in the poorest provinces[298]. Besides, there are three remarkable phenomena related to murder crimes: revenge, beating to death (as a violent action towards the other), and suicide (as a violent action towards oneself). Following is a view of these phenomena.

1.1. Revenge

It is an old tradition to make revenge for the murder of a relative by killing the murderer or any one of his family if the murderer was a hard reach even if the murder was just an accident that took place by coincidence. That leads to a continuum of mutual revenge murders. It is an old habit in the Egyptian society and very clear evidence that the family of the victim do not have any confidence that they can take their right through the state institutions. This habit shows also that the state does not develop any practices to combat cultural and social wrong concepts. According to traditions, it is a shame for the family not to make revenge for their family member. Even in case of imprisoning the murderer, family of the murderer does not consider it a punishment and insists on killing him as soon as he is out of the prison after many years inside. If the murderer is dead inside the prison, any male of the family will be the victim instead of him, as the family of the murdered does not make a funeral ceremony until they make revenge. This phenomenon began to disappear now in Upper Egypt, mostly because of the confrontations between government and religious groups during the second half of the nineties. There are other reasons for killing in Upper Egypt, such as poverty and unemployment. In one of the studies[299] on violence and unemployment, a table shows the proportional distribution of murder cases in the period 1996 – 2000. It appears in this table that the province of Assiut, one of the poorest provinces in Egypt, scores the highest percentage of 33.68% of murders in this period, while the rest of provinces score between 4% and 7%.

1.2. Beating to death

There are many reasons and shapes of fighting, but the main notice is that fighting accidents are spreading among categories that used to be tolerant and socially adherent, such as neighbours in poor areas or in the countryside, in either the house or the farmlands by each other. Spreading of fighting accidents among such categories reflects the changes in values in the rural society. Fighting may take the form of exchanging of bad words may develop to fighting with hands or with the available primitive weapons such as axes and knives leading in some cases to death.

[298] Centre for Studies and Researches of the Third World, Ibid, p. 12 – 13

[299] Afaf Ibrahim Abdel-Kawy, youth unemployment and violence – a convey study of violence types among the unemployed youth, table 6, p. 892, fourth annual conference on social and criminal aspects of violence in the Egyptian society, National Centre for Social and Criminal Researches, April 2002

One of the studies declare that the year of 1998 witnessed 5,000 cases of street fighting, out of which 70% at least were in randomly built areas[300]. Baher Shawky thinks that the feeling of ignorance or that of hate for the state and its different authorities is resulted by the small amount of expenditures of the state in these areas either in the field of infrastructure or in the field of services or investments. In addition, these areas are subject to security campaigns and mass evacuation in a trial of the state to maintain a systematic urban growth. The lack of the feeling of security among the inhabitants of random areas increases the feelings of hate and ignorance in some classes for both the state and the state[301].

Dr. Mohammad Ahmad El-Adawy mentions in a research on the types of violence in the random areas that the authorities and institutions of the state are violent against the inhabitants of these areas. In recent years, any after any terrorist action, police forces inspect these areas and the near ones violently. Police may arrest a big number of the youth in the area and the near areas and they may demolish some poor cottages during inspections. In addition, forced evacuations using police forces lead to violent confrontations between these forces and the inhabitants, as in Zenhom area in the middle eighties[302].

1.3 Suicide:

Suicide is a phenomenon hat began to appear remarkably. With poverty, feeling of being helpless, and unemployment, suicide became the sole solution for many of the poor and for those who can find no solution for their problems but getting rid of their lives. One of the newspapers, in an article entitled “the age of suicide, five youth citizens commit a suicide”[303]. One of them was an elementary level teacher who dreamed of being an academic teacher as he scored grade A in the Bachelor of Science. He finally found himself in a 3-5 square meters room with other five teachers in the province of Northern Sinai where he works to provide for his family in Der Muas in Upper Egypt[304].
One of the articles in the newspaper of Al-Ahrar mentions that there are 282 suicide cases in one year in 14 provinces, but the experts doubt this number. The main suspect in all these cases is the government[305].

Analysers mention the reasons for suicide to be fear of not joining a prestigious faculty, escaping from economic crisis and unemployment, fear of exams and the

[300] Nahed Shawky, random areas and social violence, a debating group in the national centre for housing rights, August 2001
[301] random areas and violence, a debating group in the Egyptian Centre for Human Rights on August 9th 2000
[302] Essa Ahmad, the governor demolishes two housing blocks and turns five thousand families into the street, Al-Hakeeka newspaper, 25/3/2003, volume 746
[303] Abdel-Kader Mubarak, join the army of the government victims and black days – the suicide of a young teacher in Northern Sinai, Al-Osboa, p. 8, 8/12/2003
[304] Ibid
[305] Essam Hady, 282 suicide cases in only one year and experts think the number is higher, Al-Ahrar newspaper, 30/12/2003, volume 4388

family punishment in case of getting a bad mark, and inability to cope with the new reality. Other types of suicide may occur by a girl that they want to force her to marry for economic reasons or for fear of being an unmarried woman, women who lost their providers and suffer increasing financial pressures and inability to get married. There are also emotional problems and the disease of depression that makes one loose hope in the future and thinks low of his life and thus he thinks his life in meaningless.
Dr. Salah Fawal thinks that as long as the current social and economic circumstances are prevailing, the phenomenon of suicide will keep growing.

2. Torture

Crime of torture is one of the most horrible crimes that humiliate people and violate them physically. It leaves many negative mental impacts as well as physical ones. Government is the party that mostly practice torture, but there are other cases where individuals commit this crime against their weak employees or family members (the wife, the children, or younger brothers).
In spite of the absence of statistics monitor the non-governmental aspect of this phenomenon due to the difficulty of this monitoring; the incidents published in newspapers indicate the existence of this phenomenon in the Egyptian society.

Newspapers for example traced the developments in the case of Wafaa Mekki, an actor, who tortured, together with some of her family members, two young girls who work as house servants for them. They used ironing and hard beating. She now spends her punishment period in the prison for this crime.
Newspapers also mentioned accidents of torturing a wife to death due to differences with the husband and torturing a daughter with electricity shocks to death because of adultery.

The newspaper of Al-Ahram in the volume of 20/2/2002 published a an article about a father who imprisoned his daughter for eight years in a deserted room in his house and tied her to an iron continuum in the floor and kept whipping and beating her daily. He gave her only one meal per day and let her to go to bathroom once a day and to take a shower once monthly.

These are only a few examples of torture practiced against the weaker part.
We must put in mind that this crime does not occur out of nothing. It is the natural result of backwardness in economic, social, and cultural position in the Egyptian society. These positions affected negatively the family ties and tolerance among family members spreading domestic violence generally and torture particularly. The most important reason of this phenomenon is the punishment for adultery or suspicion of it. The second reason is the desire to get rid of one of the family members, such as the stepson. There are surely reasons that are more complicated behind the phenomenon of torture, especially if this crime is committed against sons, wives, fathers, or mothers.

Table (1) monitors domestic violence generally according to the rate of occurrence distributed on provinces of the republic (from 1/6/2002 to 31/5/2003). Table (2) shows domestic violence according to the gender of the victim and the victimiser[306].

Table (1)

No.	Province	No. of crimes	%	No.	Province	No. of crimes	%
1	Cairo	46	26	11	Fayoum	3	1.5
2	Giza	44	25.5	12	Menia	3	1.5
3	Kalyoubia	15	8.5	13	Damietta	3	1.5
4	Gharbia	12	7	14	Dakahlia	3	1.5
5	Menoufia	8	5	15	Benisweif	3	1.5
6	Alexandria	6	3	16	Port said	2	1
7	Assiut	4	2	17	Qena	2	1
8	Sohag	6	3	18	KafrEsheikh	4	2
9	Beheira	5	3	19	North Sinai	2	1
10	Sharkia	3	1.5	20	Not shown	6	
Total						180	100

Table (2)

Type		No. of crimes	%
Victim	**Victimiser**		
Female	Male	108	60
Male	Male	28	15
Female	Female	12	7
Male	Female	32	18
Total		180	100

Table (2) shows that the highest percentage is the type of crimes in which the female is the victim and the male is the victimiser (60%) indicating more domestic violence applied on females.

3. Violence among farmers

Circumstances that control the life of small farmers in Egypt's countryside are all similar in poverty, absence of decent life and few sources of livelihood, in addition to depriving farmers of existing ones. These circumstances enforce conflicts among farmers over the rare sources of livelihood available to them leading in turn to violent actions that end with death in some cases. That does not mean that violence in the Egypt's countryside prevails only among small farmers. It also

[306] source: centre of Egyptian women issues, domestic violence in Egyptian newspapers – first report, prepared by Shaimaa Mahrous and Laila Hamada, statistics by Waheed Shawki

prevails among big proprietors, but as small farmers cannot regulate themselves to demand their rights, they tend to get rid of their inner feeling of oppression in the direction of the weak parties towards which they feel equal power. Reasons of violence among farmers are endless, but land, as the main pivot of livelihood, is also the main pivot of most conflicts. In this chapter, we will be trying to display violent incidents among farmers due to farmlands, in addition to some violent incidents due to irrigation, as an important feature of agricultural production. Violence among farmers is a phenomenon as ancient as the idea of property itself. The history of Egypt's countryside assures there is no village that did not witness bloody conflicts caused tens of deaths and injuries regardless these farmers are small or big ones. Difference between poor and rich farmers can only be in the weapons used, which rate from white weapons to automatics. In addition, the idea of revenge for the family controls the minds of farmers either in the Southern or in the Northern Provinces giving the characteristic of continuity for these conflicts. Thus, a small quarrel because of a small portion of land may turn into a battle in which big parts of the two families get involved as a sacred mission.

Most conflicts come back to one of the following reasons:

- Land ownership
- Land borders
- Land inheritance
- Land irrigation

A reading in the related table on violence incidents from 1999 to 2001 shows that the year 1999 is the biggest in number of conflicts and accordingly number of the injured, the dead, and the arrested, as in this year the law 96/1992 began to be implemented expelling farmers from rented farms. Things calm down relatively after that year, but they are still increasing as the number of conflicts in 2000 was 53 and became 77 in 2001. We should consider that this table contains only the data we could manage to collect and the real number of conflicts is actually much more, but anyway we an use this data as an indicator.

1. Conflicts over land ownership, inheritance, and borders:

Conflicts over ownership and inheritance occurred many times in the second half of 1999. These conflicts come back to the decomposition of ownership to small portions and the absence of land registration. In addition, many big proprietors alleged the ownership of some lands[307].on reading the table that shows distribution of conflicts according to reasons, we will find that conflicts over ownership, borders, and inheritance doubled in the year 2001, but still less than the year 1999.

Ownership conflicts were not restricted to be only among foreigners. It extended to exist inside the same family. Brothers kill each other, their cousins, and even

[307] LCHR, farmers' status in Egypt, series of land and farmer, first edition, 2001, p. 172

their father for the sake of a very small portion of land. A farmer killed his brothers' son in the village of Hamra Doam on 10/7/1999 because of a conflict over the ownership of a portion of land. The uncle hired five persons to kill his brothers' son. Brother of the victim was also dangerously injured and two others were hurt.

In the village of Samta in the district of Dishna in Upper Egypt, five brothers killed their uncle in a quarrel over only three kirats. The quarrel led to the murder of the uncle and the injury of five of his family. Police arrested three of the five brothers and accused them of murder.

Land borders crimes increased after the implementation of the law 96/1992 during the change of the tenant or the proprietor taking possession of land. Two farmers for example fought with their cousin because they built a house for the cattle in the land of the cousin. The fight went on using white weapons causing the murder of the cousin and many injuries.

2. Conflicts over land irrigation:

The crisis of irrigation does no only occur in the relationship between farmers and governmental authorities, which is the most remarkable aspect of the problem. It has also some reflections on the relationships among farmers themselves. The crisis caused by governmental ignorance to irrigation services pushed farmers to quarrel with each other over the rare available resources. Quarrels in many times develop to long mutual feelings of hatred among families after the whole case was just a simple difference between two persons over the priority of irrigation.

On reading the table on irrigation conflicts, we will find that the number of conflicts and victims increased in the year of 2000 but came down again in the year of 2001. That may be because of expelling of small farmers from lands and putting them in the hands of big proprietors who can solve irrigation problems through the governmental authorities by making the right contacts or by themselves as they are rich and can afford to build irrigation networks for themselves.

In March 2001, the farmer Mohammad Seddek Mohammad, 35 years old, passed away, in addition to the injury of Ahmad Ali, 30 years old, and his brother Mostafa Ali, 38 years old in a fight with fire guns between the families of Eid and As-Sayeh because of land irrigation. Police arrested eight of the two families and sent them to the Courtyard. The village of Muayda in the province of Assiut witnessed in January a fight with fire guns that left three victims because of irrigation priority.

The families of Tahawy and Herbawy went into a fight in the same village because of a well. Tahawys shot fires and killed three of the Herbawys. The

farmer Adel Habeeb, 39 years old, shot dead the farmer Isaac Gerges Yassin, 51 years old, during a quarrel over land and police forces arrested the killer.
In the village of Dahshour in Badrasheen district, a new conflict took place on 31/8/1999[308]. A female farmer was dead in a quarrel over irrigation between two families in the village. The two families exchanged fire causing the murder of the woman. Police forces surrounded the whole village for fear of another fire exchange while four other farmers were injured.

[308] LCHR, farmers status in Egypt – a study on farmers' status and the positions in Egypt's countryside from January 1998 to December 2000

A table on total violence incidents in 1999 - 2001

Subject	1999	2000	2001
Number of conflicts	94	53	76
Injured	445	195	302
Killed	81	34	58
Arrested	401	318	666

We compiled his table from three reports of LCHR:

1. rights of farmers between reformation allegations and market illusions, March 2001, p. 56
2. farmers' positions in the agrarian sector in globalisation era, February 2002, p. 8
3. farmers status in Egypt – a study on farmers status and positions in Egypt's countryside between January 1998 to December 2000

A table on the reasons of conflicts and violence incidents in 1999 – 2001

Type	1999				2000					
	No.	**Injured**	**Killed**	**arrested**	**No.**	**Injured**	**Killed**	**arrested**	**No.**	**Injured**
Irrigation	---	54	7	69	18	73	15	102	12	26
Ownership	---	77	25	92	19	58	12	115	40	139
Borders	---	31	5	18	10	52	3	77	20	90
Inheritance	---	---	---	---	6	7	4	24	4	37
Total	94	214	61	265	53	195	34	318	---	---

A table on the victims of irrigation conflicts during 1/6/2000 to 31/12/2000

No.	Date	Place	Injured	Killed	Arrested
1	25/8	San El-Hagar – Sharkia	2	1	3
2	22/10	ArabElmatamer – Assiut	---	1	5
3	31/12	Karameta Gharb – Sohag	1	2	1
4	25/7	Saber – Tanta – Gharbia	5	---	5
5	12	Hagarsa - Sharkia	9	---	15
6	19/7	Kafr Hamza – Kalyoubia	13	1	15
7	12/7	Meet Ghamr – Dakahlia	---	1	5
8	17/7	Mahalat Kasab – Kafr Elsheikh	16	---	20
9	31/10	Beni Gameel – Sohag	---	1	3
10	10/10	Khamaseeni – Sharkia	10	1	---
Total			56	8	62

Source: LCHR

A table on the victims of ownership conflicts from 1/6/2000 to 31/12/2000

No.	Date	Place	Injured	Killed	Arrested
1	5/7	AbuRawash – Giza	1	---	3
2	19/10	Kanater – Kalyoubia	2	---	4
3	28/8	Ashmoon – Fayoum	1	---	1
4	28/7	Sol – Giza	3	1	6
5	9/8	Hosh Essa – Beheira	---	1	1
6	16/9	Damanhour – Beheira	8	--	10
7	14/9	Der Muas – Menya	---	1	---
8	29/9	Sohag	2	1	6
9	10/11	Serry – Beheira	2	---	5
Total			19	4	36

Source: LCHR

Violence against old people

It is one of the oldest shapes of violence and the prevailing one.
It is not a matter of defective individual morality. It is rather a matter of the basic aspects in the reality of the Egyptian society, the life of the old, as well as the positions of the different social classes that intervene with the system of production and social relationships.

Many economic and social developments had wide and deep negative impacts on the positions, roles, and the way of treating the old, such as the appearance of small families, disappearance of big families, and changes in the system of social values.

Violence against the old comes in two forms: to act and not to act as follows:

1. financial violation: robbery and depriving of financial rights and misusing of fortune in case of custody
2. direct physical violation: beating and expelling from house and putting in a house of old without an urgent need to do that
3. indirect physical violation: ignoring medical care and exposure to accidents and injuries and ignoring providing of basic needs such as food, clothes and shelter
4. psychological violation: humiliation and threatens of deserting or expelling from house, …etc

We will start now to display some of the shapes of violence against the old.

1. Violence inside the family

A field study[309] on the relationship between the old and his family in which he lived before entering the house of old assured that the atmosphere in the family was not quiet clear. It means that the old suffered a kind of violence before entering the house of old. 45.6% of the individuals in the sample complained the treatment of family and the violence they experienced.
The same study spots light on the reasons for the inconvenience that some of the old felt towards life among their family. Among these reasons comes the ill-treatment of family.

2. Violence in the general atmosphere

The general atmosphere is full of violence. Authorities of any kind practice unjustified violence in some cases, even the parental authority. It is not only the police, which oppress normal citizens in some cases in a way that wrecks down all his rights as a citizen and a human being, but also all other legislative, executive, and judicial authorities in their relationship with citizens.

[309] old people in the house of old – a field study, Dr. Ezzat Hegazy, National Centre for Social and Criminal Researches, 2002

As normal individuals are unable to resist or protect themselves, they direct their fury to the field of personal relationships, especially with the weakest. Thus, the old are the category that is most subject to general violence as the most vulnerable and unable to defend themselves and their rights.

3. Crimes against the old

This kind of crimes is the most horrible. In spite of their isolation, weakness, and some of the circumstances they live in, they are an easy and attractive object of crime.
Stealing is thus a prevailing crime against the old. Violence may also accompany stealing represented in beating and if the victim knows the criminal, violence may develop to killing of the old.
In addition, inheritance conflicts, especially over apartments, lead to other crimes in a trial to drive the old away from the road. In such conflicts, crimes such as forgery, expelling from the apartment, and even rape spread against the old.
Relatives, servants, neighbours, and manual workers are the closest categories that commit crimes against the old, as they the nearest persons to him.
It is important to mention that the old women are more subject to crime as they live alone for a longer time after being widows and they appear to be weaker.

4. Trials to explain the reasons for violence

Violence, especially against the old, is a confusing dilemma. As a result to the variety of forms, aspects, as well as circumstances that lead to it, there are several explanations for this phenomenon. Regardless the biological explanations, as well as the traditional ones related to low living standards and poverty, we can choose two psychological and social explanations for violence against the old.

a) What is called the violence circle
b) State's role

a) Violence circle

Sons are usually busy about their ambitions and livelihood and their desire to marry. That requires devoting of some resources for the spouse and the new family leading to a crisis in their relationship with the parents. Parents accuse their sons of being ungrateful and sons accuse their parents of being selfish and careless for their right to live. Here comes the role of the violence circle, as sons, in not a few cases, suffered violence when they were young and thus they do not hesitate to use it against the old parents who retired and lost their power in the family. Violence her is a reaction for the sufferings of the sons when they were young.

b) State's role

The state has an important role in spreading of violence. Police for example treats citizens in an oppressive humiliating way. Besides, the state ignores providing the citizens proper services with moderate prices. There are also the compulsory retirement and early retirement that cause a horrible fall in salaries. All these elements reduce the importance of the retired and push him to frustration and bad health status.

5. Forced robbery

Crime, as a social phenomenon, usually draws the attention of researchers in all social fields. Violence crimes specifically have an increasing importance, especially in the course of social and economic changes that societies witness today, the thing that led to untraditional types of violence and developed remarkable changes in the traditional ones. Violence made use of the big technological revolution and the innovative and fast communication movement. World today became full of different shapes of violence in the course of its urban and scientific progress, especially in the last decade which was characterised by social changes in either developed or developing societies. No doubt, that legislators criminalise all kinds of violence, for it represents a violation of individual affairs. In addition, criminalising of violence protects public interests through protecting the individual ones. Forced robbery is a part of violence crimes, if not the most severe of all of them. This crime represents a direct violation of individuals' right to safety, in addition to disturbing the public order and affecting the society structure. Criminal legislator, out of awareness of its danger, included forced robbery as a felony not just as a misdemeanour like other types of robbery. There is no doubt that the crime, as a social phenomenon, reflects certain social and economic reality. Thus, the social, economic, and cultural changes in society usually influence crime and it is necessary to trace developments in of the different crimes in society, as crime is an indication of certain distorted aspects in social or economic structure. We here therefore concentrate on the crimes of forced robbery and especially on a number of points.

- We will handle this crime in a certain period (1996 – 2000), in which the fruits of the economic reform began to appear in Egypt the privatisation projects almost reached their final phases. This reform was to make root changes in the Egyptian society, especially with regard to financial crimes, including forced robbery.
- Handling this crime comes after issuing a new law on aggression that punishes for some actions that cause fear (law no. 6 of 1998). This led to a more precise definition of forced robbery.
- Forced robbery is the most dangerous among robberies, as violence in this crime combines many degrees and may lead to the murder of the victim, in addition to the feeling of fear s[reading among people as a result to this crime in a way that threatens social safety.

- It is important to try to draw a statistical plan for the developments that take place in this crime in the Egyptian society based on geographic distribution and on a number of variations related to the criminal, such as the educational and vocational status, age, gender, …etc. this plan aim at the suggestion of solutions to control forced robbery.

Definition of forced robbery:

Although law does not usually put definitions for crimes and only determines the assigned punishment, Punishments Law contained what we can consider a definition of forced robbery. The definition of robbery is stealing of money owned by others with the intention to own it.
If we added the use of force, the crime of forced robbery becomes the robbery that takes place through using a forcing tool. It is every action that criminal does in order to frustrate the resistance of the victim. Several criminal legislations handled forced robbery, such as the Egyptian criminal legislation that states the criminalisation of this crime in paragraph 314. Away from the theoretical legal study for this crime of this type of crimes, we concentrate here mainly on its attitudes of development in the Egyptian society through three pivots:

First: geographic distribution
Second: used tools
Third: demographic and social characteristics of the criminals
Fourth: study results

First: geographic distribution of forced robbery

This study divides provinces of the Republic into four groups, each of which have common features as follows:
- urban provinces (4)
- northern provinces (9)
- southern provinces (8)
- borders and valley provinces (5

Geographic distribution of forced robbery during 1996 – 2000

	1996		1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No.	%	No.	%
Cairo	86	18.1	92	21.4	83	20.2	70	15.2	75	19.2
Alexandria	120	25.7	133	31	98	24	116	25.1	52	12.4
Port Said	13	2.7	9	2.1	13	3.1	13	2.8	16	4.1
Suez	4	0.8	8	1.9	4	1	6	1.3	6	1.5
North	139	29.1	109	25.4	123	30	170	36.8	163	42
South	112	23.5	75	17.5	87	21.2	84	18.2	71	18.3

Borders	3	0.6	3	0.7	2	0.5	3	0.6	6	1.5
Total	477	100	429	100	410	100	462	100	389	100

Source: social and criminal dimensions of violence in the Egyptian society, p. 128

The table reveals a big difference between northern and southern provinces. The gab reaches its peak in 2000 when forced robberies in Northern provinces represented 42% of total forced robberies in Egypt in that year, whereas southern provinces represented only 18.3%. We should not assume that the Northern provinces are more violent as there are other kinds other than forced robbery spread in southern provinces much more than northern ones.

That comes back to difference in circumstances in which individuals live and which affects directly their personal structures, culture, and their beliefs. Difference may also come back to habits and traditions that prevail in every area. We think that there are big social conversions in all aspects of rural life. Imported cultures from audiovisual media made it valid no more to talk about rural and urban crimes. Several factors affected directly the rates and types of crimes leading to these gabs between different provinces.

Second: tools used in forced robbery

Law does not generally admit the importance of using a specific tool in the crime, but in some cases, it considers the tool as part of the crime, such as murder with poison. The word forced denotes the use of a tool of violence. Thus, violence in robbery can take many shapes, such as beating or using a weapon to threaten the victim for an easier robbery. Forced robbery in law must contain a violent physical action directed to the body of a human being. It is no doubt that the use of a weapon facilitates the crime and reveals the bad intentions of the criminal to use the weapon whenever he thinks he needs to leading to more dangerous violations for the victim, in addition to the feeling of terror caused by that tool. The following table shows the tools used in forced robbery during the five years covered by the study.

	1996		**1997**		**1998**		**1999**		**2000**	
	No.	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**
Weapon	57	12	37	8.7	45	17.1	43	9.3	35	9
Tool	354	74.2	331	79	314	76.6	374	81	306	78.6
Suffocation	2	0.4								
Beating	16	3.4	15	3.5	16	3.9	12	2.6	10	2.6
Cheating	2	0.4	4	0.9	4	1	7	1.5	1	0.3
Stick	5	1	1	0.2	2	0.5	2	0.4	4	1
Other tools	41	8.6	33	7.7	29	7	24	5.2	33	8.5
Total	477	100	429	100	410	100	462	100	389	100

Source: social and criminal dimensions of violence in the Egyptian society, p. 1032

The table shows that criminals used tools in the majority of forced robbery crimes. Statistics did not clarify the meaning of "tools", although they mentioned weapons, sticks, and other tools. Therefore, we can replace the word with white weapons. The big gab between the numbers of the crimes committed with tools and those committed with weapons may come back to the broad concept of the word "tool", while the word "weapons" means every cutting or sharp tool.

The previous table shows also that the methods of beating, cheating, and sticks have only a few numbers of usages as forcing tools. In this regard, we should mention that law did not determine a specific degree of violence. It cared for the violent action itself. Thus, the tool used is not important as much as the direct effect on the will of the victim that paralyses his resistance and forces him to act in a way that he would not choose if he had the choice.

Third: demographic characteristics of the criminals of forced robberies

Criminal is the one who commits a crime and fulfils the conditions of a criminal trial. We may also use the words of the victimiser or the doer of the crime. Criminals are not all the same and reasons for committing a crime differ from one person to another, but we still can determine common demographic and social features among all criminals as follows:

1. Demographic characteristics of forced robbery criminals

a) Age:

	1996		1997		1998		1999		2000	
	No.	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**
From 18 -	111	14.6	114	16.1	119	16.8	158	18.7	126	17.7
From 20 -	398	52.4	395	55.7	401	56.7	487	57.6	449	63.2
From 30 -	173	22.8	132	18.6	138	19.5	130	15.4	93	13.1
From 40 -	46	6.1	41	5.8	26	3.8	43	5.1	34	4.7
From 50 -	19	2.5	19	2.7	20	2.8	27	3.2	9	1.3
Undetermined	12	1.6	8	1.1	3	0.4	---	---	---	---
Total	759	100	709	100	707	100	845	100	711	100

Source: social and criminal dimensions of violence in the Egyptian society

The previous table shows that the highest percentage of forced robbery crimes comes from youth between 20 and 29 years old. In the second place come youth between 18 and 19 and the percentage decreases with higher age categories. Other studies and criminal statistics referred also to the fact that youth are responsible for the highest proportion of violent crimes, including forced robbery. It may be because such crimes need strength, in addition to the higher need for money in this period of age and unemployment spreading among people. This

deduction should not be thought of as an absolute fact. Adolescence and youth, in spite of the psychological and physical changes in this period do not lead by themselves to criminality unless hard social circumstances accompany these changes.

b) Gender

Studies indicate a big difference between criminality rate among women and men. The first one is much less than the second is. Some statistics indicated that women criminality does not exceed 4%[310] of total criminality. Some others try to account for this big gab by saying that women crimes are not all notified of and that women are the ones that push men for crime. The big difference may also come to the different social role and psychological and biological structure of each of them. Difference may also come to the role of men in providing for families. Majority of the criminals of forced robberies are males, as we can remarkably notice in the table. Women still compete with men in other kinds of violent crimes, such as murder.

	Male				Female		Total
	No.	%	No.	%	No.	%	
1996	745		98.1		14	1.8	759
1997	689		97.2		20	2.8	709
1998	694		98.2		13	1.8	707
1999	836		98.9		9	1.1	845
2000	701		98.6		10	1.4	711

Source: social and criminal dimensions of violence in the Egyptian society

2. <u>Social characteristics of criminals of forced robbery</u>

a) Education

Some researchers think that illiteracy should lead to more criminality, while others think that the relation between education and criminality is weak. Here appears a question about the role of education and its effect on forced robbery criminals in the Egyptian society. The following table shows a close relation between education and forced robbery crimes, as majority of the criminals are illiterate. However, we think that education affects the types rather than the numbers of crimes, as there are other kinds of violent crimes depend on advanced technologies, especially the organised crime.

Education type	1996		1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No.	%	No.	%
Illiterate	446	61.4	444	62.6	408	57.7	412	48.8	363	51

[310] origins of criminality science – Al-Gadeeda University – Soliman Abdel-Monem 1994

Literate	224	29.5	212	30	225	31.8	361	42.7	277	39
Initial	2	0.3	5	0.7	17	2.4	8	0.9	5	0.7
Preparatory	7	0.9	9	1.3	16	2.3	22	2.6	23	3.2
Secondary	35	4.6	31	4.3	36	5.1	38	4.5	39	5.5
High	3	0.4	1	0.1	3	0.4	4	0.5	4	0.6
Undetermined	22	2.9	7	1	2	0.3	---	---	---	---
Total	759	100	709	100	707	100	845	100	711	100

Source: social and criminal dimensions of violence in the Egyptian society

b) Vocational status

Studies refer to the fact that some careers urge for good behaviour. On the contrary, other careers have a bad effect sometimes on those who practice them. Undoubtedly, work has a big effect on human life. Work is also the source of income and thus it determines the life standard and saturates main needs. Unemployment on the other hand is the first step to tend to violence and to commit violence in the second step. The feeling of poverty increases in consuming societies that generate consuming temptations that are hard to resist, especially for the use. These facts appear strongly in the following table.

	1996		**1997**		**1998**		**1999**		**2000**	
	No.	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**
Farmer	35	4.6	32	4.5	33	4.7	63	7.5	22	3.1
Merchant	26	3.4	19	2.7	22	3.1	22	2.6	29	4.1
Employee	7	0.9	10	1.4	6	0.9	6	0.7	8	1.1
Police or army men	6	0.8	3	0.4	9	1.3	6	0.7	10	5.4
Body guards	7	0.9	7	1	10	1.4	9	1.1	8	1.1
Worker	165	21.7	168	13.7	156	22.1	178	21.1	166	23.3
Driver	42	5.5	26	3.7	44	6.2	46	5.4	45	6.3
Unemployed	432	57	409	57.7	392	55.4	466	55.1	373	52.5
Student	24	3.2	24	3.4	27	3.8	43	5.1	44	6.3
Other careers	15	2	11	1.5	8	1.1	6	0.7	6	0.8
Total	759	100	709	100	707	100	845	100	711	100

Source: social and criminal dimensions of violence in the Egyptian society

The table shows that the unemployed are responsible for most of forced robbery crimes. Workers come in the second place and that may be because the career is not a full time. Many workers do not find work for long periods and that pushes them to violence. Moreover, most workers own sharp tools hat can be used in violence. It is notable that he categories of merchants, drivers, and other careers witness a few crimes of forced robbery.

Unemployment generally leads to an increase in the quantity and quality of crimes, especially robbery. This is completely logical as individuals who cannot afford for himself or his family become in a very bad psychological status and may practice violence in this case. Still it is not possible to state that unemployment is the sole factor that leads to forced robbery, though it has an apparent effect. Other types of crimes are influenced by unemployment, such as drugs and corruption crimes.

c) Marital status

Marriage naturally affects the lives of the couple. It makes a complete change in both personalities and gives a feeling of stability. Thus, marriage combats criminality. This is true for most of the time, but sometimes marriage represents a motive for crime.
Some studies[311] were conducted to determine the relationship between marriage and criminal personality. These studies proved that the percentage of the unmarried among criminals exceed that of the married in the same age. The following table assures that fact.

	1996		1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No.	%	No.	%
Married	290	38.2	257	36.3	303	42.8	284	33.6	209	29.4
Widower	3	0.4	1	0.1	1	0.2	---	---	---	---
Single	453	59.7	444	62.6	401	56.7	561	66.4	502	70.6
Undetermined	13	1.7	7	1	2	0.3	---	---	---	---
Total	759	100	709	100	707	100	845	100	711	100

Source: social and criminal dimensions of violence in the Egyptian society

The table shows that the category of the unmarried is responsible for the highest percentage. That reflects the positive role of marriage as a combating factor for criminality as most studies assure. However, we should not exaggerate the effect of marriage, as the absence of marriage may be one of the factors that lead to criminality, but it is not the sole one.

[311] Scientific principles for the study of criminality, Al-Fekr Al-Araby publishing house, Abdel-Monem Awad

Political Violence

A big part of political violence begins with state violence against political opposition. This provokes a reaction from other parties against the state. Governmental authorities follow economic policies that harm the groups that form majority of the society. State aid for services, for example, was cancelled pursuant to global organisations. That means the state is ignoring its social role in providing housing for low-income social classes, work, education, medical care or a proper living standards.

The government handled fiercely and brutally the peaceful opposition movements of the poorest social classes. The government criminalised all shapes of opposition, such as demonstrations and strikes. The state even has put laws that deprived workers and farmers of the rights they acquired all over the past years. In the year 1997 for example, the law 96/1992 was implemented. Then the law 12/2003 followed to put constraints on all kinds of peaceful opposition. This law also granted the employers the right to fire workers without any constraints.

The government now is preparing to issue a group of laws to demolish the rest of the rights of the poor, such as the laws of medical and social insurance. These laws are to be added the group of laws that are generally against freedom, such as emergency law and its related punishments and syndicates' law.

These laws were not enough for the government. In case the poor classes try to demand their right to life and work, the government stands fiercely against them jus to assure the idea that it is the government of capitalism and its protector from all other classes of people. Following are some examples of political violence.

1. violence against demonstrations:

All over the nineties, the Egyptian society witnessed various demonstrations for many reasons. The size of these demonstrations varied between several hundreds and thousands. The issues of Palestine and Iraq were responsible for the burst of most demonstrations. It is notable that these issues worked only as a catalyst for demonstrations that burst mainly against economic and social policies of the state. It is notable also that security forces are normally twice more than the demonstrators are and take the form of a circle or many circles around the demonstration using violence in different degrees.

Students were among the demonstrators during the nineties for the sake of Palestine. They used to gather waving with Palestinian flags and burn the Israeli ones. On the other hand, security forces handled such demonstrations with oppression, siege, tear bombs, detention, and torture, in addition to other shapes of violence. An apparent example is the demonstration of Cairo University in April

2002. It combined thousands of students of the university, citizens, and students of the near high schools. Security forces tried to prevent the big gathering from reaching the near Israeli Embassy using all kinds of violence. The demonstration after a while could break a circle of thousands of security forces and headed towards the Embassy. Then the police used tear bombs, polluted water, and hard sticks. Thousands of tear bombs were used and many students suffered suffocation and the University campus turned into a fighting ground. Shielded cars of the police forces were even crashing the students who broke pavement blocks to throw the on these cars. Demonstrators also destroyed many big stores known for their relations with Israel and USA. Many students were detained and tortured on these day and the following days. This *battle* and others were screened on international TV channels.

Demonstrations and meeting them with violence was not restricted to Cairo. In Alexandria University, students had permission from security authorities and organised a march with some of the professors in the university. Once the march went out of the University, tear gases and bullets, together with hard sticks received it. The student Mohammad As-Sakka was killed and many students were injured. It was shocking to watch injured police officers on the next day on Egyptian TV. They alleged that students attacked them so they had to hit back.

Demonstrations after that were restricted to the political elite, mostly due to oppression, until the attack on Iraq. Thousands of demonstrators went to Tahreer *(liberalisation)* Square on twentieth of March. Students of Al-Azhar University (the religious university) went on a demonstration on another demonstration on the next day. Police forces pushed this demonstration towards Tahreer Square using beating with hard sticks and tear bombs where they arrested hundreds of demonstrators. Even the demonstrators in lawyers' syndicate and parliament members were beaten. On that day, 21st of March, ministry of interior condemned the demonstrators and alleged that they were the reason for these actions of violence. Thousands of security forces put a hard siege on Tahreer Square for several days, in addition to the siege on political parties, syndicates, associations, and all places that may possibly witness an opposition to aggression on Iraq. In the meanwhile, the arrested activists were tortured in prisons and there were trials to fire them from their work.

After these incidents, Dr. Abdel-Mohsen Hammouda[312] could obtain a final judicial verdict to organise a march that head at the American Embassy to express the people's refusal for aggression on Iraq. In spite of the judicial verdict, security forces decided to prevent this march with about 25 thousand police officers all along the pathway of the march, in addition to other five thousands in As-Sayeda Eisha Square, the decided point to begin the march to prevent people from entering the square to participate in the march. Abdel-Mohsen Hammouda was arrested with others and they were accused of demonstrating without prior

[312] LCHR, emergency laws and democracy in Egypt – exceptional Courts and a lot of accusations and constraints, October 2003

permission in the lawsuit no. 7741. They were imprisoned for about one month. There were demonstrations for reasons other than Palestine and Iraq, such as the demonstration of the unemployed on July 2001 and that of the students of natural therapy against the decree of the minister of health to consider them as mere technicians not professionals. There were two other demonstrations against the unified labour law before the parliament in the first half of March. All these demonstrations were faced with violence and oppression.

2. Violence in elections

Elections are always characterised by violent actions all over Egypt, especially elections of the parliament. This legislative authority drowned us all over the past years wit laws that constraint freedom, such as emergency law. This authority also issued the laws that turned most workers and farmers in Egypt into vagrants through the laws of labour and law 92/1996. Government always makes everything possible in the battle of elections to win the majority in parliament in order to issue whatever laws it wants to ignore more economic and social rights. Thus, government always wins more than 80% or 90% of chairs in parliament.

The elections of 2000-2005 were run under judicial supervision. The government allowed this verdict of the Supreme Constitutional Court to be issued depending on the fact that majority of people do not care for elections as they are convinced that it will change nothing. The government anyway interfered in many ways, such as:

1. Devoting media (TV, Radio, and newspapers) for the propaganda of the ruling party (National Democratic Party NDP)
2. Administrative interferences[313] represented in preserving the first and second places in candidature lists for the NDP, which is a violation of the principle of equal opportunities. Lists of voters, which are prepared under the supervision of the ministry of interior, witnessed also many illegal practices, like refusing to give a copy of the lists to opposition parties and giving it only to NDP candidates.

In addition, governors and popular and local authorities support the campaigns of NDP candidates and obstacle those of the opposition parties.

Police interferences:

All provinces witnessed interferences for the sake of governmental candidates. In the province of Beheira, security authorities refused to allow the candidate of Al-Wafd party to make any general meeting wit voters while candidates of NDP were allowed to make their meetings.
Many photographers of newspapers and Al-Gazeera channel were arrested and their cameras were confiscated in order to prevent them from catching police

[313] Egyptian Organisation for Human Rights, Defending Human Rights, part 7, Right to political participation, legislative elections 2000-2005, Cairo, 2003

forces while preventing voters fro entering voting places. In the circle of the ministry of agriculture, gangsters of the candidate of NDP attacked photographers and voters of Ma'moun El-Hodeiby, candidate of Muslim Brothers, in front of the silent security forces. In Alexandria, security forces prevented Muslim Brothers from holding any meeting or displaying any boards that carry their slogans. Some of them were even arrested with the accusation of making propaganda for a prohibited group. The first phase of elections witnessed the arrest of 400 citizens, but a big number of NDP candidates failed in elections. That means next phases need more violence and oppression. The following 2 phases of elections in 24th and 29th of October witnessed therefore the following:

1. Collective prohibition of opposition and independent candidates using big numbers of police officers and soldiers

That happened in the circles where there are big candidates of NDP, such as the circle of Nahtay in the province of Gharbia, in which the minister of irrigation is the candidate of NDP. That happened also in circles where Islamic candidates are expected to gain big votes. Crashes between police and people led to the death of one citizen and the injury of 28 in the circle of Damietta. The collective prohibition continued in the third phase through putting some circles under complete siege, such as the circles of Maadi and Basateen and closing the roads that lead to these circles allowing only the voters of governmental companies, such as the Tura Cement, to pass. Citizens who demanded their right to vote were arrested. In the circle of Shoubra, judges went out of the voting place to accompany voters by themselves so that they can vote. In Manial, police used live pullets and tear bombs to prevent voters allowing only 10% of voters to pass. The reaction of supporters of opposition parties and independent candidates was directed in the form of actions of sabotage to public buildings. Propaganda made to NDP candidates made people think that the government and the political party are the same thing. Thus, the fury of people against candidates of NDP was directed to public buildings, which are supposed to be the property of all people.

Egyptian Organisation for Human Rights[314] monitored 20 violence incidents in many places like:

1. In the city of Ashmoun in Menoufia province, police applied a strict siege on the villages that follow the city on 24th of October 2000 7 a.m. in order to prevent voters from heading to voting places. When people objected, police forces attacked them. At 11 a.m., Mariam Fam, a reporter in Associated Press, was attacked by an officer in civil clothes. She ran to hide in the Court of Ashmoun, while some lawyers in the Court were trying to hold police officers back. People then began to throw police forces with stones. Police replied by shooting live pullets towards people causing many injuries among them. In the meanwhile, citizen Gamal Abdel-Aal Youssef Salama, a 37 years old teacher, received a pullet in his right side while driving his son to school. The death incident was registered in notification no. 8002/2000/Ashmoun.
2. Voters of the independent candidate Mahmoud Abu-Saleh El-Alfy in the circle of Abu-Kebeer in the province of Sharkia destroyed a police

[314] Ibid

car and threw stones on police officers who arrested 11 of them and sent them to prosecution office and were imprisoned for 15 days. The same scenario took place in 23 circles out of 142 in the two last phases of elections. That means 16% of total circles witnessed violence, actions of sabotage, and crashes between citizens and police officers[315].

[315] LCHR, ibid

Social violence against Children

Violence against children is an old phenomenon that spread much more recently, either in the form of physical or psychological violence. Accidents news in magazines and journals in last years are full of news about children harmed or tortured.

There are also more notifications in police stations in Cairo and other provinces about torture or disappearance of children. Most disappearance cases come back to violence that pushes children to run away from their homes.

Criminals in such a crime may be the family of the child or the employer. Some times criminals are police officers or other men of law. Violence against children may also come from men in charge of childcare houses, from teachers, or from pedestrians in street.
This study aims at tracing the reasons and tools of violence against children in order to reach recommendations to protect children who are half the present and all the future.

First: concept and fields of violence against children

Concept of violence has many different aspects. Thus, it has different definitions. Following are some of them.
Linguistically, violence is "the use of pressure or force in an illegal way in order to affect the will of an individual"[316]
Delson defines it as "the use of physical power to harm people or property. It also leads to a physical harm and represents a violation of personal freedom"[317]
Moer, in his book "Violence and Aggression" declares that violence "refers to a wide range of behaviour that expresses an emotional status ends with physical harm, using bad words, and destruction of properties. Violence may also be a misuse of authority in an unfair way and using of power in a way that leads to harm, an injury, or a suffering[318].
Thus, violence has different levels starting from insult to physical violence and murder, including destruction of others' properties.

We can therefore define violence against children as "any action that leads or will possibly lead to a physical or psychological harm or suffering of the child, including the threat of such an action and deprivation of freedom". This definition is extracted from the UN Declaration to Eliminate Violence against Women, but it was briefed and simplified in order to match this study.

[316] Dr. Ahmad Zaki Badawi, Dictionary of Social Sciences Terms, Lebanon Library, Beirut, 1978
[317] Dr. Eglal Ismael Helmy, Domestic violence, Kebaa' House for Printing and Publishing, Cairo, 1999
[318] Ibid

Definition of child

The Convention on Child Rights ratified by nearly all countries, including Egypt, states that a child is "every human being under 18…unless he is mature according to the law he follows". In Egypt, child law 12/1996 copes with the convention and determines the child to be under 18.

Second: relation between violence and the economic and social position

Actually, there is a relation between violence on one side and poverty, violation of economic, social, and cultural rights, low opportunities of development, and he growing inequality on the other side.
Thus, the phenomenon of violence against children cannot be understood and handled correctly without knowing the various complicated factors included in it. Economic and social factors come on the head of these factors, in addition to the cultural heritage that form the values prevailing in society.

1. Economic and Social factors

These factors generally include mechanisms of distribution of wealth (labour, health, education, housing…etc). These are the tools of social and economic policies. It is notable that there is a bigger amount of violence in societies where there is no fair distribution o wealth. Murder rates for example increase in countries where there are huge gabs in incomes and a high rate of unemployment. These form a reason for violence as much as for poverty.[319]
There is also a relation between violence and poverty syndromes, such as high population density, low rate of going to school, high number of families without provider, and disturbance of the system of local society[320].

Family suffers much because of poverty. That of course affects children. It is a long continuum of many circles like negligence, health problems, failure in school, and joining street gangs. These are not all decisive factors by themselves but they increase possibilities of violent behaviour[321].

The Egyptian media star Mrs. Bothaina Kamel, in her dialogue "a trial for a media approach", displayed her experiment with "street children" in her radio programme "Bells of Danger", which produced 30 episodes on the issue. She said, "The main reason that pushed those children to street is domestic violence, which is closely connected to family decomposition due to divorce or absence of the father. Temptation of other peers also plays an important role. That means the vagrancy of a child may lead to the vagrancy of another one".

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[319] Ninth Conference on Crime and Treating Criminals, National Centre for Social and Criminal Researches, Cairo 1996, p. 68
[320] Ibid
[321] Ibid

Bothaina Kamel summarises the reasons that push those children to escape in one response that came to her when she asked a ten years old child for the reason of his escaping from home. “he answered in one word…poverty!!”.[322]
Statistics compiled by security authorities in 1995 to 1999 assured that up to 89% of the convicted of killing children were young workers and agrarians and unemployed. Hundred percent of the convicted in 1995 made crimes of hard beat of children. Eighty five percent of sexual violation crimes were done by the lower classes in society[323].

This is for the economic and social dimensions and there are other important dimensions of the same importance and danger, such as the media and cultural dimensions. The media dimension concentrates on consuming goods that provokes the children of the poor and make the children of this class push their parents to use violence in order to stop them from insisting on enjoying these goods[324]. Thus, media has an important role in producing of violence against children.

It was therefore natural for international conventions to concentrate on economic, social, and cultural development of individuals and societies in order to have a world empty of violence for children and adults.

Economic, social, and cultural rights in international conventions

International conventions, throughout the history of international organisations, gave a special concern for these rights and worked their adaptation all over the world. These rights are enforced in International Declaration for Human Rights, International Convention on Economic, Social, and Cultural Rights, International Convention on Political and Civil Rights, as well as the international labour treaties.

Economic and social rights in the Egyptian constitution

Egyptian legislators gave a special concern for economic, social, and cultural rights in different degrees according to political and social development in the Egyptian society. These rights are mentioned in four texts of the constitution of 1923. Paragraph 19 of this constitution stated the right to compulsory education[325].

Constitution of 1956 gave these rights more care and its text contained 31 paragraphs about social rights and social insurance and 5 paragraphs on protection of the poor and developing their life standards.

[322] Egyptian Centre for Child Rights
[323] Ibid
[324] Ibid
[325] Abdel-Khalek Farouk, general budget of the state and human rights, legal assistance association 2002

Constitution of 1971 contained 36 paragraphs on these rights out of 193 paragraphs with the percentage of 18.65%. Among these rights are the rights to work, education, as well as other rights.

Actually, on comparing these texts to political and economic situation in the country since 1974, we will find many contradictions. Private education is expanding, public companies are sold, and hiring of graduates stopped gradually since 1984. It is a horrible contradiction.

First: violence against children in work

The report of National Population Council declared that children represent 45% of population in Egypt and children less than 12, which was the legal age of work at the time of this report, were 7% of total work force. That means about 1.5 million children under legal age are working.
Fifty two percent of those children suffer Anaemia, 12% do not go to school, 16% are born under weight due to malnutrition, and 30% suffer liver diseases due to the excessive use of pesticides[326].

It is still hard anyway to know the real size of the phenomenon of child labour. It is because of many factors like technical shortage in statistical tools. The most important factor is denial. Government wants to show the least possible facts about the phenomenon and employers, especially in the non-official sector where the phenomenon is more severe, deny hiring of children for fear on reputation[327].

The report of the Egyptian Centre for Child Rights assures that the size of child labour among children between 6 and 12 years old is continuously increasing. Their number was 265,400 children in 1974and became 1,014,300 children in 1984 and 1,400,000 in 1986. Seventy one percent of those children are in rural areas and about 28% of them are in urban areas[328], while the report of NGOs mentions another number 1,472,600[329].

ILO estimated the number of children under 14 working in Egypt in 1988 to be 1.5 million (1,473,600) representing 8.2% of total children in that age[330].
According to a sample survey run by the central authority for public mobilisation and statistics in 1998, number of working children between 6 and 14 years old is 1,309,000 children who represent 7.4% of total Egyptian labour.

Sample statistics show also that working children between 6 and 11 is 40.6% of total working children under 15 and children between 12 and 14 represent 59.4%. The biggest portion is in the countryside where 85.6% of working children

[326] LCHR, Free Poverty and Accidental Eduation, December 2002
[327] Ibid
[328] Egyptian Centre for Child Rights, reply for the report on violence committee, a paper published on the internet
[329] the report of the conference of child rights NGOs, June 2000
[330] Annual Book of ILO, Geneva 1998

are (51.9% in the north and 33.7% in the south). The main activity of child labour in the countryside is in agriculture, which consumes 77.8% of total child labour[331].

Reasons of the phenomenon of child labour

The study conducted by LCHR[332] reached two reasons:

1. continuous backwardness in living standards

The policies of economic reform raised the percentage of individuals living under poverty line from 22.7% to 25.3% in the last ten years in rural areas and from 34.32% to 37.59% in urban areas in the same period. That has inevitably led to an increase in child labour[333].

2. escaping from education

A study has been made on a sample of children escaped from education showed that 80% of individuals in the sample escaped from the initial phases of education and 20% have not received any education at all. They all belonged to families of low economic and social standards[334].

Table (5): the number of children who have died as they were going to work in the agricultural sector . From 17/9/1997 To 8/12/1997

	Name	Age	educational level	The numbers of family	village
1	Manal Hassan Alaabd	16	illiterte	7	Salhager
2	Fatma Hassan Abo Mostaf	16	//	6	Salhager
3	Aza Ali Alhawi	16	//	6	Salhager
4	Halima Esmiel Ferih	17	//	5	Salhager
5	Sahar Fahmi Faddl	15	//	6	Salhager
6	Nadia Mohamed Boghri	17	1 st business grade	5	Salhager
7	Nenaa Abdo Omer	14	illiterate	5	Salhager
8	Manga Abdolkadr	15	2nd grade in prep school	4	Salhager
9	Basma Abdollatif	15	illiterate	6	Salhager
10	Ahlam Mohamed Zaglol	15	1st grad prep school	5	Salhager
11	Nura Gomaa Ecab	11	illiterate	4	Salhager
12	Samasm Salem Faddl	17	5th grad primary	5	Salhager

[331] central authority for public mobilisation and statistics, a sample survey in 1988
[332] LCHR, ibid
[333] Ibid
[334] Dr. Adel Azer and Nahed Ramzy, the phenomenon of child labour in Egypt, National Centre for Social and Criminal Researches and UNICEF, 1995

			school		
13	Rabab Esmaiel Fereih	12	illiterate	6	Salhager
14	Malak Mohamed Hassan	15	3 rd grade high school	7	Salhager
15	Esmaiel Mabrook	17	3 rd grade prep school	5	Salhager
16	Samir Ebrahim Albedewi	14	2 nd // // //	5	Salhager
17	Ebrahim Abdolrahman	13	Azhar prep school	4	Salhager
18	Anas Alsayed Albedewi	13	1st grade (business)	4	Salhager
19	Hani Ali Bogry	16	business diploma	5	Salhager
20	Mohamed kamal Hagag	17	// //	5	Salhager
21	Aboldosoki Alsais	17	illiterate	4	Salhager
22	Naema Mohamed Nasir	16	1st grade prep school	5	Salhager
23	Abdo Hamuda Alsais	17	1st grade heigh school	5	Salhager
24	Safaa Kalifa Alsayed	15	1st grade (business)	7	Salhager
25	Amina Mohamed Alaama	16	illiterate	7	Salhager
26	Ebrahim Abdollah Deweik	14	//	5	Salhager
27	Mohamed Gamal Alahwagi	14	//	5	Salhager
28	Mossa Morsi Rombeg	13	2nd grad industry school	5	Salhager
29	Sameh Mohamed Badr	14	1st grade busines school	6	Salhager
30	Mostafa Mohamed Antar	25	illiterate	7	Tamnbol
31	Soaad Abdela Algharib	50	//	7	Tamnbol
32	Fayza Taha Aly	25	//	9	Tamnbol
33	Wafaa Abel Mohyi	15	//	7	Tamnbol
34	Shaaban Abdorahman	15	illiterate	6	Salhagar
35	Ahmed Ahmed Alsayed	17	2nd grade business	7	Salhagar
36	Ebrahim Abdo Mansur	15	3 rd grade prep school	-	Aldweicat
37	Mohamed Mohamed Khatab	12	2nd grade prep school	5	Salhagar
38	Sherif Abdo Mansur	19	3 rd grade prep school	4	Salhagar
39	Ghada Mohamed Shaaban	16	2nd industry school	7	Salhagar
40	Essam Bahnas Faddel	14	3 rd grade prep school	6	Salhagar
41	Mohamed Sobhi Badr	15	3 rd grade prep	6	Aldweicat

			school		
42	Gomaa Mohmed Yunis	15	2 nd grade prep school	7	Salhagar
43	Mohamed Ecab	27	2 nd grade prep school	-	Kafr Askar
44	Abdolhadi Karamat	14	3 rd grade prep school	6	Salhagar
45	Kal Abo Eid Salam	13	2nd grade prep school	-	Kafr Askr
46	Reda Abdosalam Sherif	19	illiterate	-	Kafr Askr
47	Ashraf Mohamed Abdo	12	illiterate	5	Kafr Askr
48	Mohamed Mohmod Rashad	21	illiterate	3	Kafr Askr
49	Ateyat Abdolsatar Alaanani	18	illiterate	7	Tanbol
50	Medhat Mokhtar Aly	25	illiterate	6	Tanbol
51	Samia Fathi Mohamed	12	illiterate	7	Sahel Selim
52	Doaa Ragab Abo Gonim	14	illiterate	9	Monofeya
53	Walaa Saber Mokawi	12	illiterate	11	Monofeya
54	Hadya Rezk Ahmed	15	Illiterate	5	Monofeya
55	Karima Abo Hadid Ebrahim	15	Illiterate	5	Monofeya

Source; report of Land Center for Human Rights – Child workers in Egyptian rural areas victims with no means of redress – 21/12/1997

Table (1) including injured names in Damatta Village

No.	Name	Age	Educational status	Father's Post	Kind of injury	Reason of injury
1	Mohamed Sayed Sayed mansour	13	Daily fee labourer	Daily fee labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
2	Raafat Sayed Sayed mansour	11	student	Labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
3	Noura Yousef Mousa Fakhrany	11	student	labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
4	Nour Yousef Mousa Fakhrany	9	student	labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide

5	Mousa Yousef Mousa Fakhrany	14	student	labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
6	Shereif Nour Yousef Fakhrany	11	Daily fee labourer	Died	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
7	Mohamed Ibrahim Taha	12	student	Died	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
8	Atta Ibrahim Taha	9	student	Died	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
9	Sayed Shaban Shesheny	9	student	Daily fee labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide
10	Sayed Raafat Mohamed	10	student	Daily fee labourer	Insecticide Inhalation, cramping and fainting	Exposing for insecticide

Source: LCHR – Farer Children and Early Death – May 2002

Table No. (2) including died children in El Fayoum accident

o.	Name	Age	Father's Post	Educational status	Kind of Injury	Reason of death	Criminal feature
1	Magdy Mohamed Solyman	12	Daily fee labourer	labourer	Head injury from the left side	Drowned	Death resulting from sinking
2	Heba Mohamed Solyman	13	Daily fee labourer	labourer	Sinking	Drowned	Death resulting from sinking
3	Soheer Mohamed Aly	10	Daily fees labourer	labourer	No injury	Drowned	Death resulting from sinking

4	Thuma Shahat Ibarahim	8	Daily fee labourer	labourer	No injury	Drowned	Death resulting from sinking

Source: LCHR – Farer Children and Early Death – May 2002

Table No (3) shows died names in Alkam accident

	Name	Age	Educational status	Father's Profession	Kind of injury	Criminal feature
	Elshahat Farag Saber Elshafey	40	No eduction was got	died	Body was warned out and pulled out after 17 days in the water stream	Death resulting from sinking
	Yasser Saeed Elsayed Yunis	17	Primary school	Agriculture labourer	Body was scratched and pulled out after 2 days in the water stream	Death resulting from sinking
	Hany Mahmoud Elsayed Abou Hattab	14	No eduction was got	died	No plain injuries ' pulled out after 4 days in the water stream	Death resulting from sinking

	Abd Elrazik Helmy Abou Hattab	13	No eduction was got	Agriculture labourer	Body was warned out and pulled out after 9 days in the water stream	Death resulting from sinking
	Ashraf Mohamed Abdel-mejeed	19	Commerce diplom	Professiona labourer	Body was scratched in the face and pulled out after 4 days in the water stream	Death resulting from sinking
	Nermeen Elsayed Mabrouk Negm	14	No eduction was got	Agriculture labourer	Body was scratched in the face and thighs. Pulled out after 3 days in the water stream	Death resulting from sinking and psychologi cal shock
	Asmaa Elsayed Mabrouk Negm	18	No eduction was got	Agriculture labourer	No plain injuries ‘ pulled out after 3 days in the water stream	Death resulting from sinking
	Laila yunis Mohamed abdel-salam	14	Primary school	Agriculture labourer	No plain injuries ‘ pulled out after 4 days in the water stream	Death resulting from sinking
	Ayman Mahmoud Elbeheary	14	Prep school	Agriculture labourer	Body was variously scratched. Pulled out after 5 days in the water stream	Death resulting from sinking
	Walid Abdelmejeed Mohamed Nofal	18	Prep school	Agriculture labourer	No plain injuries ‘ pulled out after 2 days in the water stream	Death resulting from sinking
	Mahmoud Mohamed Aly Hemeed	40	No eduction was got	died	No plain injuries ‘ pulled out after 4days in the water stream	Death resulting from sinking
	Aida Abdelmoez Mohamed Elagamy	40	No eduction was got	Daily fees labourer	No plain injuries ‘ pulled out after 4 days in the water stream	Death resulting from sinking

Source: LCHR – Farer Children and Early Death – May 2002

Table No (4) shows the dead children in Abees accident

No.	Name	Age	Educational status	Father's Profession	Kind of injury	Reason of injury
1	Adel Waheeb Labeeb	15	Elementary education	Agriculture labourer	Hard depression in the circulation of the blood	Fracture in skull and brain tissues
1	Adel Waheeb Labeeb	15	Elementary education	Agriculture labourer	Hard depression in the circulation of the blood	Fracture in skull and brain tissues

2	Mahmoud Kamal Maraey	14	No eduction was got	died	Hard depression in the circulation of the blood resulting from clashing with a hard body.	Wound in head , brain bleeding and fraction in jaw
3	Saber Abdelal Nageeb	14	No eduction was got	Agriculture labourer	Hard depression in the circulation of the blood resulting from clashing with a hard body.	Fracture in skull and mouth bleeding
4	Thoraya Ramadan Khalil Turky	14	No eduction was got	Crippled	Hard depression in the circulation of the blood resulting from clashing with a hard body.	Fraction in the lift thigh and fracture in skull and brain tissues
5	Ekram Abdelkarim hussein Abdelkarim	13	No eduction was got	died	Hard depression in the circulation of the blood resulting from clashing with a hard body.	Fracture in the whole body ,skull and brain tissues
6	Sabreen Ahmad Abdelmawla	13	No eduction was got	Agriculture labourer	Internal bleeding in the head	Motionless body , contusion in the eye, cut in the right brow and wound in the left leg.
7	Om elezz Ahmad Abdelmenem Hykal	14	No eduction was got	Agriculture labourer	Hard depression in the circulation of the blood.	Many contusions in the whole body and fracture in the skull
8	Badreia Ahmad Abdelmenem Hykal	14	No eduction was got	Agriculture labourer	Hard depression in the circulation of the blood resulting from clashing with a hard body.	fracture in the skull and brain bleeding
9	Mustafa Elsayed Ibrahim Hussein	15	Primary school	Agriculture labourer	Hard depression in the circulation of the blood.	fracture in the skull and brain bleeding
10	Ramadan Ahmad Anwar	15	Prep school	Agriculture labourer	Internal bleeding in the head	Wound in the head , brain bleeding and fraction in the right hand and left leg
11	Alsayed Atef Abounaem	15	No eduction was got	Agriculture labourer	Hard depression in the circulation of the blood.	Fracture in the head and and fraction in the left hand and right thigh

Source: LCHR – Farer Children and Early Death – May 2002

Violence against working children

A. Violence against children in agriculture

Children working in agriculture suffer many kinds of violations starting from depriving them of the right to play to beating and even killing them during transportation to work places.

1. children working in cotton fields

Agricultural co-operative associations in Egypt use more than one million[335] children between seven and 12 years old every year in order to control the cotton worm, while Egyptian laws stated the minimum age for work to be 14 years old since April 2003.
Those children work for about eight hours daily, including a break for about one or two hours, with no weekly vacations. It is shameful contradiction to the labour law.

Hiring of children below legal age for work and making them work for more than six hours, as well as depriving them of a weekly vacation represent a kind of social violence against this weak category. In addition, those children are beaten by their supervisors and they suffer because of high temperature and exposure to pesticides. It is the worst shape of child labour according to the definition enshrined in ILO treaty no. 182, which is ratified by Egypt in 2002.

Exploitation of children in the countryside is assured in a meeting of the organisation of HRW with an agricultural engineer who said that children are preferred to adults due to their low wages and easiness of controlling them[336].
A field study run by HRW on ten children who worked in manual control of cotton worm in two provinces (Dakahlia and Gharbia) showed that the children of the poorest rural families are more subject to work in cotton fields and the all the pursuant violations for only three pounds daily.

Field studies and meetings gave us the following results:

- Average daily wage for a child is three Egyptian pounds (about half a dollar) for working from 7 a.m. to 6 p.m., seven days a week and rest for one or two hours daily.
- Children work in groups of 15 to 30 children under the supervision of an adult.
- Children in a meeting said that they are usually beaten with sticks whenever the supervisor thinks they are not working hard or that they ignored an infected plant.

[335] Egyptian Centre for Child Rights, a workshop, March 2003
[336] the report of Human Rights Watch, juveniles without protection – children working in Egyptian cotton fields, January 2001

2. exposure to pesticides

It is another kind of violence. Exposure to pesticides and other chemicals may kill the child or at least poison him.
This problem of excessive use of pesticides appeared in Egypt in the seventies after an accident known globally as the name of Kattour accident.
It is a district in the province of Gharbia. Farmers in this district used an organic phosphoric pesticide in order to control cotton worm. A few weeks later, a dangerous phenomenon appeared. Back parts of all breeding animals in the biggest state owned farm (Mahallat Musa) were paralysed. Researches showed that this was because of this pesticide. The phenomenon became known under the name of "late poison phenomenon). Later on, it has appeared that this pesticide was never used in US, its origin country, and was used for the first time in Egyptian fields causing this dangerous effect[337].

It is necessary therefore to prohibit the existence of children for a while after the use of pesticides in the areas of usage, as children are the most subject to absorbing these chemicals by their weak bodies. It is also important to prohibit the hiring of children for the processes of using of these chemicals. They must be at least 18 years old adults.

3. road accidents while going to work

Children working in agriculture are subject to road accidents while moving to or back from work. Many are killed and many others are injured and sometimes handicapped because of these accidents. Accidents occur mostly because of the bad transportation means used or the bad roads. The number of accidents and victims make it urgent to study the phenomenon and look for a solution in order to protect our children.

One of these accidents happened in a village in the province of Gharbia. A disaster that took the lives of 29 children who sank in a drainage canal, in addition to the injury of other 154 children between 12 and 18 years old. All victims were from three villages in the district of Basyoun. About 200 kids were on the board of the lorry no. 502/9 that follow the ministry of agriculture. The driver lost control of the lorry on he narrow dust road and jumped out of it leaving the children in the bottom of the drainage canal[338].

The village of Salhagar lost 27 young girls in this disaster. It was a dramatic scene of 27 coffins entering the village while people are staring unbelievingly at them.

[337] LCHR, pesticides children, 2001
[338] a newsletter of LCHR, Salhagar – a human disaster that occurs always in the cotton and jasmine collection season 18/9/1997

The strange thing is that this same village lost 26 young highly educated lads in a car crash while they were going to university in 1982 and other 8 young girls who were going to collect the jasmine crop in 1995[339].

B. Violence against children in industry

1. violence against children in stone factories

The provinces of Menia and Beni Sweif in Upper Egypt are known for marble and granite factories, as these materials spread in them. The province of Menia has 172 official stone factories and 50 others that are not licensed, in addition o the stone factories that follow the steel and cement factories. These all consume the surface of 300 km in the Eastern Desert to the east of the Nile[340].

Stone factories have about 13 – 15 thousand workers of the poor and the unemployed graduates. Among those workers, there are about 2,000 children under the age of 16[341].
As for the province of Beni Sweif, the district of Beba to the west of the Nile contains 46 villages and its population is 208,219and they mostly work in agriculture, trade, and mining and stones.
The village to the east of the Nile have 50,000 citizens. Children under 15 working in the stone factories in this area are about 1,622[342].

Workers in these factories ride on board of the cars used to transport stones (more than 30 workers in each car) on 6 o'clock in order to reach the mountain on 7 o'clock and begin work. With sunset, work ends and they come back on the same cars[343].

.On the road up and down the mountain, accidents occur periodically taking the lives of tens of men and innocent children who were forced by poverty to leave school and work in the mountain to help their parents[344].
This work is a slow suicide in very bad circumstances and a social violence that has no mercy for the childhood of these human beings. In the meanwhile, their families have no other solution to keep alive.

Violence against children in schools

This section was very hard to prepare. Although it is well known for every one that violence is spreading in schools, especially in the phases of basic education, but available statistics on the phenomenon are very few. Both educational

[339] Ibid
[340] new refugees, a report of the Nile Valley Organisation for care of stone workers in Menia
[341] Ibid
[342] LCHR, Children of Stone Crashers…Injuries and Absent Legal Protection, March 2000
[343] new refugees, ibid
[344] Ibid

departments and the ministry of education do not care for assessing the phenomenon or studying it. On the contrary, it is intentionally neglected under the allegation of preserving the reputation of the teacher (the criminal mostly). Authorities in the ministry of education find it enough to investigate such crimes and give the convicted teacher an administrative punishment. In many cases, family of the victim is convinced to draw the complaint without investigating it and to forgive the criminal. Family of the victim in this case accepts to do that for fear other teachers would harm the child to make revenge for their colleague.
Anyway, the phenomenon cannot be hidden, as it is getting bigger every day. The criminal may be he teacher or any one of the managerial stuff. Violence may take the form of physical harm or psychological insult. It may be, in its most severe form, a sexual violation.

Teachers tend to be violent for many reasons, such as low salaries and increasing prices together with the increase in consumption patterns that lead to a psychological pressure on teachers and other poor classes.
This psychological pressure pushes teachers to pour their fury on children in class in the form of beating, insult, and humiliation for the least reason. A teacher may do that to a child just because he talked to his classmate.
There is also another objective factor. It is the high densities in classes that make teachers tend to be violent in order to control children.
One example of violence that children suffer in schools is what happened a few weeks ago in the scholar year of 2003/2004. Victims are three children less than 14 years old in Belal preparatory school for boys that follow the educational department of Es-Salam. The three children complained to the educational department that they were sexually violated by three teachers who threatened to kill them if they tried to inform any one about that. Investigations are still running in the educational department and have not reached a conclusion until now and a notification was represented to the prosecution. That proves the existence of violence in schools and proves that education will not improve until the bad financial conditions of teachers are discussed openly.

Domestic violence

Violence inside Egyptian families is considered a private thing that should not be talked about. It is mostly used as a tool to behave children and may occur for conflict on inheritance. Murder inside the family can only occur for adultery[345].

As we mentioned, domestic violence is a family matter that should not be mentioned on public. Thus, published crimes represent only 10% of real domestic violence.
Official statistics and declarations on domestic violence have many contradictions and depend on the notifications received to police departments. These notifications are mostly drawn for the sake of the family reputation. In

[345] Dr. Eglal Ismael, domestic violence, Kebaa House, 1999

addition, violence against wives or children is ignored unless it left a trace that can be criminalised.

Social environment and life circumstances are the most important factors that lead to domestic violence[346]. No individual in the family is shielded from violence or negligence[347].
Parents may harm their child by beating or assigning him to works that do not match his physical and mental abilities as a child. They may even push him to robber and cheat. This treatment gives the child a feeling of injustice and envy towards the society and breeds the desire to revenge from others[348]. Children may also suffer sexual violation and rape by brothers or sisters.

[346] Ibid
[347] Samia Mohammad, protection of children from maltreatment
[348] Es-Saba', violence, sex, and women health, the conference of the Egyptian society to solve domestic and social conflicts, April 1979

Societal violence against women

Definition and forms of violence:

The world countries witness increasable violence through which women have a dramatic part "not as committed but as victim". Recently, the international organizations begin to be concerned with women issues especially violence directed against women. The General Association of UN, through its international declaration for stopping violence against women - 1993, adopted a new definition for violence against women accepted by all members. The conception stipulates, "gender-based action resulted in physical, sexual or psychological harm for women comprising threat or forced deprivation of freedom either in public or private life". There are other visions around violence committed against women as:

- **Vienna Program: "Rights of women and children are part and not parcel of the international human rights. Gender-based violence and all forms of sexual harassment including social and cultural negligence for women are violations that have to be destroyed"**
- **Workplan of Beijing pays more attention for violence against women. It is considered violating women rights as violating for human rights for which countries have to be questioned.**
- **The 9th conference for elimination of crimes[349]: "Any action resulted in any physical or psychological harm. Moreover, violent activities are measured through social, cultural and political criterions. The most well known forms of violence are; murder – murdering and physical assault – rape – sexual assault – threat – terrorism – women and children trafficking. Violence is committed because of social and economic factors [unfair wealth division: education – income – labour – housing]"**
- **The report of human development issued by UNDP in 2000 mentioned to the differences in distribution of incomes in Egypt (between the most 20% poorest and the most 20% richest people). It means that the income of the richest category equals four times of the poorest category that increases the phenomenon of social envy leading to more violence. There is extrusive relation between poverty and violence.**
- **Convention of the elimination of all form of discrimination against women (CEDAW) is implemented over violence committed either by official authorities or non-governmental actors.**

[349] National Center for Social and Criminal Researches – Cairo - 1996

- **Committee of Women Conditions in the UN: "any action, control or threat resulted in physical or psychological injuries for women. It doesn't comprise physical or sexual violence only but abstract violence also"**
- **Committed inside the family as violent beating, discriminative treatment between female and male child, FGM, rap, early marriage and murder for honour.**
- **Committed through the society as rap and sexual harassments.**
- **Confessed or ignored by the State as implementation of nationality law and penalties law, violation of women's rights inside workplace, educational institutions, media means, prisons and police stations.**

Violence can be defined as "any action directed to women (wife, mother, sister or daughter) characterized with different degrees of discrimination, oppression and subjugation generated by unequal power relations between men and women inside the family and community because of the domination of father-system with its social, economic and cultural mechanisms".[350]

Violence against women has many forms: physical [abusing women's bodies], psychological [threatening her psychological stability] and abstract [violating her dignity and humanity]. In fact, violence against women is a critical problem that requires more studies and researches in order to reveal the real reasons of this phenomenon.

Violence committed against women could be classified as:
First: associational violence
It means violence that women face inside police stations and jails in addition to violence promoted by the State through the legalizations as nationally and penalties laws. It comprises;

1. **Violence of law [nationality law – penalties law]**
2. **Media violence**
3. **violence inside jails and police stations**

Second: societal violence

1. **family violence**
2. **violence in the public road**
3. **violence in workplace**

We have to mention to some important points before reviewing this research that are:
First: rareness and recentness of researches and studies concerned with violence against the Egyptian women. Although there are some studies interested in details in forms of violence against women as beating and FGM, we still in need for more studying to achieve realistic data, indicators and numbers revealed from the miserable lives of many women in Egypt.

[350] Dr. Lila Abdel Wahab – family violence "theoretical and field study about violence against women" – Arab Lawyers Union – Cairo – 1991.

Second: interlacing of forms of violence against women (sometimes violence against women committed by the family in done under the State's collude)
Third: we have to mention that the Egyptian women are different according to the social class or category (e.g. in the urban areas there are rich aristocratic women, middle-classed women working with different professions as engineers, teachers, lawyers and doctors and marginalized women working in informal labour market as maids and vendors. On the other hand, women in the rural areas are different according to their land possessions, educational levels and their husbands living conditions). Such differences lead to diversity of violence forms.
There are some forms of violence that all Egyptian may face as physical violence (FGM) and societal violence (depriving the kids of the Egyptian mothers to carry her nationality).

A. Societal violence:

1. Family violence:

Family violence is the most horrible form of violence committed against women in the Egyptian community. According to a study[351] applied over 513 person (varied in education, gender, age, social statue) aimed to revel the violence forms committed against women in addition to identifying the violence reasons and women categories, what related to moral values is considered as violence like rape (87.8%), maltreatment (85%), husband betrayal for his wife (83%). About the behavioral actions, it occupies less position as preventing women to work (39.5%), preventing to get out the house (38.8%). On the other hand, there are some aspects that aren't considered as violence at all according to the sample's view as husband coupling with another woman (47%) and unreasonable leave to the house (54%). The study reveals that; violence is widespread in both the urban and rural areas, economic condition isn't effective factor, and valence is less widespread between the higher educated categories. The results assert that family violence is the most widespread especially committed by the husband (71.9%), the father (42.6%) and the brother (37%).

Reasons of family violence:

A study[352] asserts that violence committed against the Egyptian women is because of social, economic and cultural reasons. The economic reason is the most effective factor (45.6%) distributed between four reasons; the desire to obtain possessions by force, disputes over expenses, disability to par for life expenses and unemployment. Then, the social factor (35.1%) varies between nine reasons; second marriage, marriage without the family acceptance, disobeying, getting out with no permission, the desire to be divorced, revenge from wives, wives' leave for house, girls' refusal

[351] Nahed Ramzey – Adel Sultan – violence against women ""views of elites and public audience – draft of institutional and technical support for the implementation of Beijing protocol" – Cairo - 1999
[352] Laila Abdel Wahab – family violence

to get married from specific persons, refusal of the divorced woman to get back to the husband and obligation of wives for prostitution. About the percentage of the cultural factor, it reaches 19% distributed between four reasons; suspicion, doubt, believing in mythology, insulting parents. The study emphasizes that most of the felons and victims are illiterate. The study asserts that women in the rural areas face violence more than women in urban areas. Cairo is the most province (especially in the poor random areas), where violence is widespread.

Another study mentions that the reasons of violence directed against women in the Egyptian family are honour crimes (29%), discipline (13%), disputes over expenses (12%), getting out the house without husbands' permission (7.5%), jealousy or stealing wives' money (4%), maltreatment (3%), non-preparation of food or refusal to marry according to the family desire (2%) and desire to complete women's education or non-pregnancy (1%).

It is clear that family violence against women is more widespread in the poor and random areas that means that the misdistribution of wealth, services and facilities in addition to the deprivation from social, economic and cultural rights lead to diffusion of violence with its all forms committed against the weakest categories as women and children. Monitoring of the phenomenon of violence against women is quite hard because of the secrecy of such crimes especially that victims are powerless weak women. Many studies assert that there is extrusive relation between violence in the Egyptian society and daily oppressions that the Egyptian women face represented economically in the great gap between the income and living burdens, socially in her submission under family duties and responsibilities, politically in imposing exceptional laws and practices, and medially through dramatic and violent scenes. All these factors lead to increasing violence through life relations.[353]

An analytic study around women cases in the Egyptian press[354] emphasize that from the beginning of 1998 to the mid of 1999, the percentage of violence committed against women is 27.5% varies between murder, rape, beating, wounding, stealing, others. It mentions that violence is committed because of financial reasons, family and marital disputes, honour crimes, and drugs.

Through the 9th Conference for elimination of crimes held in Egypt, the minister of social affairs, Dr, Amal Osman, declares that violence and terrorism are resulted according to interlaced social, economic, cultural and political factors in addition to the close relation between unemployment, terrorism and violence.

2. Sexual assault:

Sexual assault is another form of family violence (husband rap). Many researches reveal that rape in marriage reaches 10-12% that isn't accompanied by physical

[353] Dr. Ahmed Ziad and others – violence in the Egyptian daily life – Social and Criminal Research Center – Cairo.
[354] Heba Kasem – women cases in the Egyptian press – Women Cases Center – Cairo 2000

harm in addition to other forms of violent rapes because of punishing wives or husbands' sadism. Moreover, children in families may face sexual harassments from fathers, elder brothers or male relatives as a result of their innocence. There are other forms of family violence between sisters, brothers and cousins because of heritage distribution. About murdering crimes in the families, it is because of the phenomenon of revenge or defending honour. Through the current time, we read murdering and violence crimes in the daily newspapers although these crimes are only small part of the real crimes occurred inside the family because family violence is a silent violence that most families in Egypt disregard. Moreover, formal statistics about family violence are contradicted because it depends on reports of the police filed by the family, moreover, most of these minutes are deleted by the family itself caring with family reputation.

Family violence is responsible for many injuries and deaths. The violence committed has specific characteristics as deteriorated social bringing up, bad living conditions and increasable economic pressures.[355]

Size of family violence against women:

Although there isn't surveyed studies about family violence. There are some specialized field studies and researches that are concentrated on one form of family violence as beating wives and maltreating kids.

According to the study of the National Council of Habitants (1997) examined over seven thousands wives in the urban and rural areas:

- **About 35% of the Egyptian wives are hit by their husbands minimum for one time, even pregnancy doesn't protect women from beating**
- **69% of wives face beating because of their refusal for sex.**
- **69% of wives are hit for their inadequate response for their husbands' orders.**
- **Rural wives face beating more than urban ones.**

The research of the New Women Center presented before Beijing in 1996 reviews that violence committed by husbands against wives is represented in: opinion disagreement (88%), travel prevention (69%), prevention of getting out the house (82%) and refusal for sex (93%). Through following up the Egyptian newspapers throughout 1/6/2002 to 31/5/2003, another study concerned with monitoring violence committed against Egyptian women reveals that that family violence difference according to the provinces (Cairo: 26% - Giza: 25.5% - Kaliobeya: 8.05%). It means that family violence is more widespread in the urban areas than in rural and random areas.

Table (1): family violence in the Egyptian press (from 1/6/2002 to 31/5/2003) classified according to the province

Serial	Province	Repetition	Percentage %

[355] Mohamed el Saaty – violence mechanisms – Cairo - 1997

1	**Cairo**	**46**	**26**
2	**Giza**	**44**	**25.5**
3	**Kaliobeya**	**15**	**8.5**
4	**Gharbeya**	**12**	**7**
5	**Monofeya**	**8**	**5**
6	**Alexandria**	**6**	**3**
7	**Asuit**	**4**	**2**
8	**Sohag**	**6**	**3**
9	**Behira**	**5**	**3**
10	**Sharkeya**	**3**	**1.5**
11	**Fayoum**	**3**	**1.5**
12	**Menia**	**3**	**1.5**
13	**Damitta**	**3**	**1.5**
14	**Dakahlya**	**3**	**1.5**
15	**Beni Swief**	**3**	**1.5**
16	**Port-Saed**	**2**	**1**
17	**Qena**	**2**	**1**
18	**Kafer el Sheik**	**4**	**2**
19	**North of Sinai**	**2**	**1**
20	**Unknown**	**6**	**3**
TOTAL		**180**	**100**

Table (2): distribution of family violence according to area (urban - rural)

Serial	Province	Repetition	Percentage %
1	**Urban**	**120**	**67**
2	**Rural**	**54**	**30**
3	**Unknown**	**6**	**3**
TOTAL		**180**	**100**

About the percentage of the felon and victim through the violence cases inside the family, it varies as follows:

- **The felon (male), the victim (female): 60%**
- **The felon (female), the victim (male): 18%**
- **The felon (male), the victim (male): 15%**
- **The felon (female), the victim (female): 7%**

The study asserts that 67% of the family violence is directed to the woman while 33% is committed against the man.[356]

About the violence forms committed against the woman, the study reveals that the Egyptian woman faces different forms as (murder 67% - wounding 11.5% - beating 6% - attempted murder 5% - obliging to marry 1.5% - burning possessions 1%). Such violence is committed by husbands (52%), fathers (10%), elder brothers (10%), mothers (4%), sons, relatives or mothers' husbands (3.5%), fathers' wives and second wives (2.5%) and grandsons, sisters' husbands or daughters' husbands (5.1%).

About the violence forms committed by the husband against the wife, it varies between ironing, insulting, cursing, preventing to get out the house, travel abroad, visit her family or work, threatening, procrastinating through divorce procedures, raping, other cruel forms of maltreatment. About the sexual harassments against women inside the family, although it is rarely prosecuted, the papers announce about its diffusion. There is no official statistics or studies about such form of crimes because of its privacy and secrecy.

3. FGM:

FGM (female genital mutilation) is the most dangerous form of violence committed against women in the Egyptian society. This operation is occurred throughout early age of the girl (6-12 years) through which part of the genital organ is mutilated impact negatively the physical and psychological health of the girl (as sharp bleeding, inflammations, dermal fibrosis, cervical erosion, fibroid tissue profligacy, sexual dissatisfaction). It is Egyptian traditional custom diffusion before the Christianity and Islam. The demography health survey achieved in 1995 mentions that 97% of the Egyptian women (between 15-49) face the aggressive operation of FGM. Moreover, 82% of those women practise and intend to do such operation for their daughters.

Many of the cultured, human rights organizations and women rights organizations are concerned with elimination of these operations. In 1996, the minister of health issued his decision about preventing operations of FGM in public and private hospitals and clinics. There were many lawsuits with/against these dangerous operations; therefore, the Supreme Administrative Court issued in Dec 1997 its decision with accepting the decision of preventing these operations in addition to submitting FGM under the penalties law.
Accordingly, FGM occurred in Egypt is considered as a violation for the physical and psychological health and a criminal crime judged by the Egyptian penalties law. The punishment for such crimes is determined according to its results (if the victim dies, it will be crime of wounding to death. If the victim doesn't die, it will be crime of causing lasting handicap). On the other hand, such dangerous activities are still existed in the Egyptian community especially in the countryside. In el Monofeyya

[356] Center of Egyptian Women Cases – family violence in the Egyptian press – Cairo - 2003

province, the representative of the ministry of health committed this crime in his private clinic for a 14 years old girl that led to her death. It means that the cultural heritage still controls our lives even between doctors.

4. Honour crimes:

Although people are supposed to be equal before the law, the Egyptian laws pay much leniency with the man, who kills the women under the name of honour. Such social and cultural heritage gives the felon more justifications (as being under sharp psychological pressures) to commit more crimes against women. Article no. 17 of the Egyptian penalties law stipulates "leniently" changing the sanction of murder crimes as follows:

- **From death penalty to penal servitude for life**
- **From penal servitude for life to permanent penal servitude (or imprisonment)**
- **Permanent penal servitude to imprisonment for not less than six months**
- **Imprisonment to detention for not less than three months**

Consequently, we see that women sometimes pay her life as a cost for illusive justifications that the man who abandons his honour to marry his daughter from rich Arabian may kill his daughter defending his honour if she has illegal relationship. It means that the implementation of laws goes against women's rights. The study reveals that the reasons of such crimes vary between suspicion (79%), discovering betrayal (9%) and others (6%). The report of the public security issued in 1997 asserts that the percentage of the honour crimes reach 5.4% of the whole crimes in Egypt. Moreover, about 10% of murder crimes committed in 1996 are honour crimes. In spite of the insufficiency of the formal references, these studies considered as indicators reveal that honour crimes are still widespread in especially in the Upper Egypt. [357]

5. Beating wives:

According to the Demographic health Survey applied in 1995 over 14779 women,

- **About 42-46% of the (illiterate or received primary education) wives suffer from beating.**
- **14% of educated wives face beating through their marital lives.**
- **One of each three Egyptian wives face beating one at less since their marriage.**
- **45% of wives are hit by the husbands once through the last year.**
- **17% of wives are hit for three times throughout the last year. (39% of them are in need for medical care because of beating. 1/3 of them are hit through their pregnancy)**

[357] Center of Egyptian Women Cases – honour crimes

According to a study[358] applied over 513 person (varied in education, gender, age, social statue) aimed to revel the violence forms committed against women in addition to identifying the violence reasons and women categories, what related to moral values is considered as violence like rape (87.8%), maltreatment (85%), husband betrayal for his wife (83%). About the behavioral actions, it occupies less position as preventing women to work (39.5%), preventing to get out the house (38.8%). On the other hand, there are some aspects that aren't considered as violence at all according to the sample's view as husband coupling with another woman (47%) and unreasonable leave to the house (54%). The study reveals that; violence is widespread in both the urban and rural areas, economic condition isn't effective factor, and valence is less widespread between the higher educated categories. The results assert that family violence is the most widespread especially committed by the husband (71.9%), the father (42.6%) and the brother (37%). The study asserts that violence against women is widespread also in the street (60.8%), transportation means (72.4%), and committed by unknown persons for the women (34.6%). The study reveals that about 92% of the public audience agree the husband's right in punishing his wife (the percentage is 98% in the countryside). The most strange aspect is that 86% of the wives agree on that right while the punishment forms vary between beating, burning, throwing from high floors, roping, etc.

6. The family and social bringing up:

The discrimination against female children along her bringing up is considered as violence. A study[359] reveals the aspects of discrimination and oppression committed against female children in Egypt. The girls' participation in different house works is more than boys' participation that impact negatively her studying and practising different hobbies. Moreover, many girls, after the prep certificate, are obliged to leave the school or joining the vocational schools instead of the high school that enables her to join with the university. Even girls who join the high school are obliged to join specific faculties. The family discriminates between the boy and girl concerning the facilities as external (non-governmental) books, daily money and private lessons. The Egyptian family is used to punishing the girls by beating more than boys. It means that the girls face violence along their lives. Moreover, in the prep and secondary (high) schools, they discriminate between female and male students regarding participation in physical activities and school trips. Such forms of discrimination against the girls are more flagrant in the rural areas represented in educating and presenting good food boys only.

7. Early marriage:

[358] Nahed Ramzey – Adel Sultan – violence against women ""views of elites and public audience – draft of institutional and technical support for the implementation of Beijing protocol" – Cairo - 1999

[359] Joseph Waheb – oppressive and discriminative activities through bringing Egyptian girls up in the family and school – draft of institutional and technical support of the implementation of Beijing protocol – Cairo - 2000

Early marriage is another form of violence committed against the woman through which young girls are obliged to be responsible for marriage tasks although she isn't qualified physically or psychologically to bear such burdens. Many studies and researches mention that this phenomenon is more widespread in the poor rural areas especially in the Upper Egypt, where diffusion of poverty and illiteracy and dominance of inherited customs and traditions impact negatively the women conditions. One of the studies mentions that early marriage is one of the reasons of divorce.

The analytic study for the phenomenon of the early marriage issued by the ministry of social affairs – the general administration for women affairs mentions that about 14.4% of the research sample taken from el Howamdia and el Badrashien villages oblige their daughters to marry throughout early age [58.3% of this percentage marry their daughters from foreign husbands – 9.6% of them marry old people]. The sample of the research justifies the marriage with the foreign with their low economic conditions. About 52.9% of the girls (married early with the foreign) mention that their acceptance for their marriage is to assist their families economically. About the negative impacts of such marriage, 84.4% of the sample mentions to absence of wives' rights, kids with no fathers and the wives' loneliness.

B. Violence committed against women in the public road:

It means violence that women face through the community in general comprising rape, threat or harassment in the public street. The report of human development issued by UNDP in 2000 mentions to the sharp disparity in income distributions in Egypt that increases the phenomenon of social rancor leading to more violence. There is extrusive relation between poverty and violence through which more poverty leads to more violence.[360]

Women (married or single) in random areas suffer from several forms of violence. The field study issued by the National Council for Social and Criminal Studies mentions to the violence forms committed against girls in random areas as different harassments that may reach to be rape cases by attacking nests or public bathrooms. Violence committed against women inside the family is one of the main aspects of violence in addition to the different harassments that women in random areas, who are responsible for their families, face. In 1995, the Social and Criminal Research Center register (8430) murder crimes against women, (52) of them are honour crimes through which women face rape.

The report of the National Council issued in 1995 mentions to the continuous increase of rape crimes from 1986 to 1995 as follows:

Year	No of cases
1986	**164**

[360] Dr. Ahmed Zaied – reading in violence literatures

1987	**200**
1988	**189**
1989	**199**
1990	**180**
1991	**164**
1992	**175**
1993	**162**
1994	**203**
1995	**179**

About the classification of the felons of these crimes according to their felons, it is as follows: craftsmen (53 crimes), farmers (32), unemployed (31), drivers (22), governmental employees (14), students (11), traders (6), security inspectors (5) and policemen and employees of the public sector (2). It means that such crimes are committed by all men with no concern for their social or economic conditions but it is more widespread between those whose social and economic conditions are low. The statistics mention that the age of 40-60% of women facing rape is under fifteen years. Both sexual and literal harassments committed against the Egyptian women are widespread. The women face such violations in the street, workplace, school, club and different means of transportation. About sexual harassment, it is common in the means of transportation accepted silently by the community. Even if the girl complains, she will be accused as the main motive for exciting men.

Although there are some vans in the public transportation as the underground and metros, but they aren't sufficient for the huge number of women that obliges some of them to get in the mixed transportation and face continuous harassments.

C. Violence in work against women:

The Egyptian labour laws stipulate gender-based equality through labour relations (equal wages, promotion, vacations, insurance and other rights). But in many private associations, there are many discriminative aspects committed against women. Moreover, the community imposes specific roles (traditional tasks that require no mental skills) for women alleging that there is no need for work especially that the man is the responsible for living expenses although the percentage of families that women are the main source for income reaches 25%.

About 42% of women work in the agrarian sector while 40% work in the fields of health and education. It means that women contribute with 82% in the traditional economic activities while men contribute with 14% in services sector while the greatest percentage work in the developed professions.

The statistics of the ministry of administrative development in 2000 mention to the percentage of (male - female) labour force in different activities as follows:

- **Economic sector in the ministry of electricity and power: male (88.5) – female (11.5%)**
- **Ministry of transportation and civil flight: male (95.2%) – female (4.8%)**
- **Ministry of housing and construction: male (88.4%) – female (11.6%)**
- **Ministries of defence, security and justice: male (94.9%) – female (5.1%)**
- **Ministries of education, research and youth: male (62.9) – female (37.1%)**
- **Ministry of internal trade: male (59.6) – female (40.4%)**
- **Ministry of insurance and social affairs: male (56%) – female (44%)**
- **Total labour force in economic sector: male (73.7%) – female (26.3%)**

About the statistics of the Central Authority for Mobilization and Statistics for the percentage of female labourers in high positions in the governmental and public works sector, it is as follows:

High position	1988	1996	1999	2000
Minister	1.4	2.6	2.8	3
Minister representative	3	3.2	6	-
General manager	8.8	17.5	21.6	26
Others	7.3	15.3	19.5	21.1

About the women labourers in the private sector (the majority), they work under hard work conditions, without contracts, insurance in addition to suffering from assaults "beating, sexual harassments or rape". E.g. maids, female farmers and labourers in small factories and shops face physical, psychological and sexual violence. The felons of such crimes aren't punished because of the absence of awareness of victims in addition to non-existence of any work contracts. Discrimination against women is committee under the societal customs far from the law.

THE FOURTH SECTION: RESULTS AND RECOMMENDATIONS

Is under translation