

Egypt UPR – 3rd Review
Submitted in March 2019
Joint submission to UPR: 34th session (13 November 2019)

This report is submitted by Egyptian independent non-governmental organizations covering issues related to academic freedoms, students' rights and youth participation in Egypt 2014 - 2018



The Association for Freedom of Thought and Expression (AFTE)

Founded in 2006

<https://afteegypt.org>

A group of lawyers and researchers working in an independent legal institution in accordance with the law of Egyptian lawyers, was established in 2006 under the name of the Foundation for Freedom of Thought and Expression, and is based on principles in the Egyptian Constitution and the Universal Declarations. The Foundation addresses issues related to the promotion and protection of freedom of thought and expression in Egypt. The Foundation focuses on research, monitoring, documentation and legal and works to defend freedom of expression in Egypt through a variety of programs: Freedom of Student Rights and Academic Freedom, Right to Information, Digital Rights, and a program of conscience and memory. In addition to a legal team that provides support in cases of freedom of expression and issues related to various programs.



Adalah Center for Rights and Freedoms (Adalah)

Founded in 2014

<http://www.adalah.org>

Is an independent non-governmental legal and rights center established in 2014 by a group of professionals and human rights defenders. The Center works to defend rights and freedoms in general. In particular, Adalah focuses on four programs: Criminal Justice Program, Student Rights and Academic Freedoms Program, Refugee Program and Minority Program, through legal support and strategic litigation, research, monitoring and documentation, advocacy activities and capacity building.

The report covers the following rights and freedoms

- Right to freedom of opinion and expression among students of Egyptian universities
- Right to organization and joining peaceful groups among university students
- Personal freedoms for university students
- Academic freedoms and independence of universities

I. Introduction

- 1- Egypt received 17 recommendations in the last universal periodic review of 2014 concerning freedom of expression, right to organize and the right to peaceful assembly. However, the Egyptian authorities have not initiated or implemented any of the recommendations approved at the twenty-eighth session of the review.
- 2- At the legislative level, Germany recommended an amendment of the penal code to allow for freedom of expression, (Mexico) to ensure that the legislative framework guarantees the full enjoyment of freedom of expression and association; the United States of America to repeal the Law on Demonstration (Act No. 107 of 1992) and the NGO law (Law No. 84 of 2002), or to amend them to ensure that they comply with Egypt's international obligations. Turkey also recommended to repeal or amend the Assembly Act of November 2013 in order to guarantee the right to freedom of assembly and freedom of expression.
- 3- At the institutional level, Estonia recommended the removal of restrictions on constitutional rights to peaceful assembly, freedom of expression and the release of all prisoners for the exercise of their constitutional rights, including media representatives; France recommended respect of freedom of opinion and expression, especially for journalists, as well as freedom of peaceful protests without resort to extreme violence; Brazil: undertaking necessary measures to promote enjoyment of freedom of expression; Luxembourg: to work effectively to ensure the exercise of freedom of expression, association and peaceful assembly and, in this context, to ensure compliance of the law governing demonstrations in Egypt to its obligation under the International Covenant on Civil and Political Rights. In addition, the United States recommended the release of detainees solely for the exercise of their rights to freedom of expression or membership in a political group and full guarantees for fair trial of each of the remaining detainees, including freedom of expression, association and assembly.
- 4- At the level of international human rights mechanisms, Norway recommended that Egypt invite special rapporteurs on the situation of human rights defenders, the right to freedom of peaceful assembly and association, the promotion and protection of the right to freedom of opinion and expression and the scheduling of their visits.
- 5- Egypt did not reject any of these recommendations, and the Egyptian response to these recommendations differed between support and acknowledgement. However, the

period covered by the report witnessed a significant deterioration in the level of student and academic rights and freedoms in Egyptian universities, most notably the right of students to express, organize and assemble, as well as the right to participate in the administration of their affairs, and their personal freedoms.

II. Right to freedom of opinion and expression among students in Egyptian universities

1. Egyptian universities witnessed a wide wave of violence following the events in Egypt after 30 June 2013, and the rate of violations increased significantly with the academic year 2014-2015 through the years that followed, where university departments and security forces have taken many measures that violated the basic rights of students in expression, demonstration and peaceful assembly.
2. In the academic year 2014-15, which begins in Egypt in September and ends in June of the following year, the number of cases of arbitrary arrests of students (boys and girls) from universities and from the streets and houses, against the background of the exercise of student activity amounted to 761 cases. Most of the charges faced by students were: demonstrating without permission, inciting violence and riot, and joining a banned group. In the same academic year, university administrations signed 523 arbitrarily punitive measures against dissident students, most notably the final dismissal of 124 students¹.
3. The academic year 2014-15 witnessed the use of excessive violence by police forces in the face of student demonstrations inside Egyptian universities, which resulted in three deaths among students, according to the monitoring of institutions participating in the report. They were Omar Sharif, a student at Alexandria University, 2014, killed with a gunshot to the chest as a result of police storming the campus. Anas al-Mahdi, a student at Cairo University, died on May 16, 2015, after being assaulted by security forces during clashes between administrative security and students on the backdrop of student demonstrations on 19 April 2015. Islam Atito, a student at Ain Shams University, was killed on 20 May 2015. Also, security forces stormed campus and university towns belonging to different universities 45 times during this academic year.

This came against the background of the Egyptian government in November 2013 allowing security forces "to enter campus in the event of a threat, without permission or waiting, to face the demonstrations in universities." The government allowed the police to enter the universities after obtaining a permit from the Public Prosecution and at the request of the university president in October of the same year. An Egyptian court ruled in December 2013 to ban student demonstrations inside universities except after an official notification addressed to the university president. It should be noted that 2014 (January - December 2014) witnessed ten killings among students of Egyptian universities.

¹ See Adalah report on universities 2013-2016 <https://bit.ly/2FzPA1>, and [AFTE report](#) on academic year 2014-2015.

4. The Supreme Council of Universities also issued a decision² in October 2014 not to accept students who were expelled from one university into any other universities, whether governmental or private, in direct targeting of students who were expelled for political or student activities.
5. Some university administrations have also forced new students to sign³ a declaration not to practice political or partisan activities within the university, or else they will be subject to disciplinary liability.
6. According to monitoring by the institutions participating in the report, 65 students⁴ were referred for investigation before military prosecutions and courts in the academic year 2014-15, in accordance with Law No. 136 of 2014 on the protection and insurance of public and vital establishments, which considered university facilities to be subject to the same laws as military ones. Accordingly, crimes that happen on campus are subject to the jurisdiction of the military judiciary. The Public Prosecution shall refer the cases related to these crimes to the competent military prosecution⁵.
7. The same academic year also witnessed the prevention of 78 university students who were detained from sitting for their exams because of the intransigence of the Egyptian prison administration and the abuse by university administrations.
8. The academic year 2015-16 witnessed the continuation of university administrations and the Supreme Council of Universities in their policies restricting students' rights and freedoms. According to the monitoring by institutions participating in the report, security forces arbitrarily arrested 84 students⁶. At the same time university departments signed 97 disciplinary punishments against active students, including 47 students who were finally expelled from the university.
9. Academic years 2016-17 and 2017-2018 witnesses 8 disciplinary punishments against students imposed by university administrations. The decline in the number of violations is due to the extreme oppression suffered by Egyptian universities during those two years, including the arrest of hundreds of active students and the final expulsion of dozens.
10. In February 2018, the Egyptian state adopted a new policy of targeting active student leaders, especially students enrolled in official political parties, by listing them in terrorist lists, which resulted in a seizure of their funds and preventing them from traveling and depriving them of candidacy for any position in the state, in addition to charges that may bring get them death and life sentences.
On 22 February 2018, the Criminal Court of Cairo issued a decision to include four student leaders on terrorist lists in high state security case No. 440 of 2018, listed as case No. 1 of 2018 of terrorist lists, although two of them had completed university

² <http://www.elmogaz.com/node/188707>

³ <https://www.elwatannews.com/news/details/550905>

⁴ Joint report https://afteegypt.org/en/academic_freedoms/2017/03/21/12906-afteegypt.html?fbclid=IwAR1F6UuW_odAnFIMwldqXnbZY39UcGeJjilDe5XpPVioBO3LoSwyJU3UYuo

⁵ Law on the protection and securing of public and vital facilities: <https://goo.gl/oTKYK4v>

⁶ review source in the margin.(6)

studies since 2016. This was due to these students occupying official positions in student unions and movements. They include Amr El Helou, Vice President of the Egyptian Students' Union in 2015; Madaa El Sharkawy, Vice President of Tanta University Student Union, Adham Kadri, President of the Students Union of Sohag University; It is noteworthy that the security forces arrested Mu'adh al-Sharqawi on September 19, 2018 and was subjected to enforced disappearance until he was presented to the prosecution on October 13, 2018. The Supreme State Security Prosecution continues to issue decisions to continue holding Mu'ath to the present without allowing his lawyer to read the case papers or defend him.

III. Right to organization and joining peaceful groups among university students

11. The Executive Regulations of the Law on the Organization of Universities witnessed a lot of controversy during the period covered by the report, between the suspension of its enactment at times and amendments to it at others. The Cabinet Decision No. 2523 of 2017 approved the adoption of a new student bylaws in November⁷ 2017. The new bylaws did not receive enough dialogue among the students and academic community during its preparation, and a significant group of active student groups objected⁸ to it because it included many violations that violated a lot of student rights, especially the right to organize.
12. The new regulation (2017) imposed more restrictions on the right of students to run for elections of the student union. Article 324 stipulates that the candidate must have a documented student activity at the college or university in the field of the candidate's committee, and not to have been subjected to any disciplinary or criminal sanctions throughout the period of study at the university, unless it is considered, and not belong to any terrorist organization or group criminalized by law. The article also gave the right to the Electoral Supervisory Committee to exclude anyone who uses religious or partisan slogans in electoral propaganda as well as anyone who violates the general morality and tradition of university, all of which violated the right of students to participate in the elections of student unions. In addition, the new regulation entrenched the control of university administrations in Egypt on the administrative and financial decisions of the student unions. The institutions involved in the report monitored the cancellation of Tanta University's decision to prepare a training course for the new students. The administration referred the union council to interrogation, which resulted in dropping the membership of the whole Council including the President of the Union Doaa Abdel Wahid, and arbitrarily prevent them from running in the next elections in addition to freezing union activities altogether.

⁷AFTE report https://afteegypt.org/en/afte_releases/2018/03/18/14822-afteegypt.html

⁸ Ibid

13. According to the monitoring of institutions participating in the report, the academic year 2015-16 saw the exclusion of 549 students from the lists of candidates in the student elections, compared to 2355 students excluded in 2017-18 and 3385 excluded in the last elections for the academic year 2018-19. Most of these exclusions were based on the above-mentioned legal provisions on conditions of candidacy and security approval, and at other times administrations exclude opposition students without giving reasons⁹. In 2015, student Mohamed Abdel Fattah was excluded from the Suez Engineering Union elections after the university administration claimed that there he had no previous student activity, despite his winning the presidency of the college students' union in 2014. The administration also ruled out student Abdel Rahman Alaa, vice chair of Ain Shams student union of the faculty of engineering in 2015, from the elections in 2016 without giving any reasons. Recently, in the 2018 elections, the administration excluded student Mohammed al-Dajwi from the elections under the pretext of threatening the public interest, although the law did not stipulate this condition; he was also vice-president of the university's student union in 2017 and was not subjective to any punitive measures. Moreover, student Karim Mahmoud Hanafi was excluded from the list of candidates in Cairo university since he had political views posted on social media, which the administration considered to be terrorist ideas contrary to the authorities. However, the Court of Administrative Justice ruled in the case No. 12227/70J that his views constitute a criticism of the performance and policies of the authorities within the limits of freedom of opinion and expression and do not indicate in any way his affiliation to any terrorist organizations or groups that are criminalized by law, and ordered the cancellation of the University's decision to exclude him from the lists.
14. University administrations have also imposed arbitrary restrictions on the right of students to form student families. The most prominent of these restrictions are the prohibitive conditions imposed on the registration of student groups, which require at least 50 students, in accordance with the internal regulations of universities, and to be supervised by a University Professor, which affects the chances of its establishment and the independence of its work. These restrictions are not only imposed on political activities, but also on social, cultural and student activities.
15. The institutions participating in the report identified¹⁰ the dissolution of the majority of student groups affiliated with official political parties, including "Elmidan students" close to Al-Dostour Party, the "Kaltmna" group of the Strong Egypt party, the group close to the Nasserist Popular Group, the "Bena'a group of the Muslim Brotherhood, the Salafist "Hidaya" group, and other groups affiliated to smaller less important political groups.

⁹ Adalah reports <https://bit.ly/2Fl2kwj> , "<https://bit.ly/2zuzV4B> .

¹⁰ source in the margin Review.(5)

IV. Personal freedom of university students

16. During the period covered by the report, the administrations of Egyptian universities issued decisions restricting the personal freedoms of students in university campuses, in order to preserve the "traditions and customs of the university" the violation of which is considered a punitive violation that exposed students to disciplinary measures according to article 124 of the executive regulations of the university regulating law no 49/1972. The law did not provide any definition of those norms or traditions.
17. Regarding restriction of freedom of clothes choice on campus, Cairo and Ain Shams universities in academic year 2014-2015 decisions that ban students wearing vision pants, shorts or slippers from entering campus. In 2015-2016 Helwan and Beni Soueif universities joined them banning wearing torn trousers on campus. This policy continued in 2017-18 when the faculty of agriculture, Alexandria university issued a decree banning students from entering campus wearing indecent clothes such as torn clothes or women clothes that outline the shape of the body, and clothes that reveal religious affiliation. The faculty of special education in Menufeyya university banned students from wearing torn trousers, strange hair styles and too much make up¹¹.
18. Regarding interference in the personal lives of students, institutions preparing this report documented disciplinary measures taken against two students during 2017-2018 in what came to be known in the media as the "hug incident". Celebrating an engagement event two students hugged each other in Tanta university in the midst of their friends. As a result, the young woman was prevented from sitting for her exam and 6 others were expelled for participating in the event. The chair of the disciplinary committee explained that those measures were taken to punish "a moral crime". These interventions reflect the extent to which university and college administrations have been able to track students and inspect their social behavior without regard for personal rights and freedoms. In the same year, the Director of Administrative Security of Helwan University in Cairo confirmed that the university has taken all legal measures against the unregistered customary marriage.

V. Academic freedoms and independence of universities

19. The attempts of the executive authorities to control the universities continued by issuing a series of laws and legislation that represented a violation of academic freedom and the independence of Egyptian universities. The most prominent of which was in July 2014 amending the Law of Organization of Universities No. 49 of 1972, which abolished the mechanism of election in the selection of university leaders, and make the appointment and dismissal of university leaders by the authority of the President of the Republic, resulting in security interventions hindered the appointment of university heads on the pretext of belonging to the Muslim Brotherhood.

¹¹ Adalah report <https://bit.ly/2Hw6eWE>

20. In addition to the issuance of a decision to amend article 72 of Law No. 103 of 1961 on the law of organizing Al-Azhar, allowing the university president to dismiss faculty members and dismiss students from the university as a result of allegations of participation in demonstrations or acts of sabotage. Indeed, Al-Azhar University decided to dismiss 18 professors for inciting them to demonstrate inside the university and to drop out of work for more than six months. Their absence from university was due to their detention on political issues. Dr. Abdul Rahman Al-Barr Professor at the Faculty of the origins of religion in Mansoura, and Dr. Mohamed El-Beltagy Professor Faculty of Medicine, Al Azhar Boys' university in Cairo¹².
21. The institutions involved in the report monitored the decision of the University of Tanta in July 2015 to require the members of the faculty to obtain the approval of the Ministry of Foreign Affairs through the Ministry of Education as a condition for participation in international conferences or the submission of research papers to foreign parties. Also the Ministry of Higher Education requires security approval before the travel of university professors on scientific missions abroad, as well as the decision of Cairo University on 19 July 2015 obligating faculty members wishing to travel abroad under any name to pay contributions to the university, which violates academic freedom and subjects university professors to interventions by security authorities. In May 2018, Cairo Academic University asked Kholoud Saber to terminate her scholarship to obtain a doctorate at the Catholic University of Louvain, Belgium, and to return to Egypt, in accordance to decision by the security bureau at the ministry of higher education.
22. The University of Al-Azhar also canceled the discussion of a PhD thesis on the grounds that it is unsuitable for the present conditions of the country, in a clear violation of freedom of research. At the same time, the university referred the teachers supervising the thesis to investigation. In December 2015, Suez Canal University canceled a doctorate and a master's degree in political science on the grounds that they contradicted the general order of the state and the rulings of the judiciary^{13, 14}.
23. University administrations have also violated the right of professors to freedom of expression, and in many cases disciplinary sanctions were imposed against professors because of what they publish on social media sites. We documented the referral by the administration of the University of Helwan Professor Yahya al-Qazzaz to investigation on July 2, 2017 on charges of insulting the President of the Republic through his writings on "Facebook." On August 22, 2017, a Zagazig University professor at the Faculty of Medicine, Maher Al-Maghraby, was suspended for three months because of publishing offensive views of Islam on Facebook, according to a statement by the Faculty of Medicine at the university. The University of Suez Canal referred Dr. Mona Prince to an administrative investigation after publishing a video clip on her personal Facebook

¹² <https://bit.ly/2W7vLIM>

¹³ The doctoral thesis entitled "Democracy between the thought and practice of the Muslim Brotherhood and the Salafists, an analytical study of the parties of freedom, justice and Elnour party," and the master's thesis entitled "Muslim Brotherhood and the elections of the Egyptian People's Assembly 2005". The academic supervisor was referred to a disciplinary committee

¹⁴ AFTE report https://afteegypt.org/academic_freedom/2016/01/10/11353-afteegypt.html.

account showing her dancing on the roof of her house, which was considered by the university administration to be contrary to the traditions and values of the university and public order, morality and ethics. On 15 May 2018, Dr. Mona El-Prince was dismissed from her position while retaining her pension and remuneration¹⁵.

VI. Recommendations

The Foundation for Freedom of Thought and Expression and the Adalah Foundation for Rights and Freedoms call upon UN member states to recognize the obligations of the Egyptian authorities in the field of academic freedom and the rights of students, through the following:

Right to freedom of opinion and expression among students in Egyptian universities

24. Complete cessation of practices that violate the right to freedom of expression and the right to organize for university students with the abolition of the sixth, seventh and eighth articles of Article 124 in Section 6 of the Student Discipline Regulations in the Executive Regulations of the Law of Organizing Egyptian Universities No. 49 of 1972.
25. Abolishing the decision of the Cairo Court of Appeal to include four student activists on terrorist lists No. 1 of 2018 in case No. 440 of 2018, with the immediate and unconditional release of student leadership Moaz Al-Sharqawi and investigation of criminal violations suffered by him.
26. Repeal of Article 184 bis of the Law on the Organization of Universities (added by the Supreme Council of Universities in January 2014), which grants university presidents the right to expel students "saboteurs" permanently, and to review all disciplinary sanctions, in particular the final dismissal, imposed on students for peacefully expressing their opinion.
27. Repeal the Demonstration Law No. 107 of 2013 and repeal the Law No. 10 of 1910, restricting the freedom of expression and the right to peaceful protest and gathering inside and outside the university, and the immediate release of all students and youth imprisoned under these laws.
28. Abolish all resolutions and protocols issued by the Supreme Council of Universities and the Council of Ministers to allow police forces to enter and mobilize in universities and at their gates.
29. Abolishing Law No. 136 of 2014 on the protection and insurance of public and vital establishments, which considered university facilities as military establishments, for which a number of students have been referred to military prosecution and courts.
30. Effective and independent investigation by the Public Prosecution into the killings inside and outside university and enforced disappearance that occurred against students in the time period between 2014 and 2017.

¹⁵ <http://www.youm7.com/3823207>

Right to organization and joining peaceful groups among university students

31. Facilitate procedures for the formation of student groups within universities without imposing impossible conditions, and the abolition of any supervision or tutoring of these groups by university administration and faculty members, with the amendment of terms of the internal regulations of universities in this regard.
32. Abolish decisions to dissolve student political groups and allow student partisan organizations to work within the university.
33. Allocation of an annual percentage of the University's budget in order to provide the necessary financial support to student groups within universities so that they can continue their activities.
34. Repeal item No. 5 in Article 324 of the Executive Regulations of the Law on the Organization of Egyptian Universities No. 49 of 1972, which is used by university administrations to exclude opposition students from student elections.
35. Non-intervention of security in the elections of student unions to ensure the integrity, transparency and independence of the university.
36. Making a legislative amendment to the law governing the organization of universities which grants the presidents of the federations membership of the university councils so that they can represent the students and participate actively in the management of university affairs.

Personal freedoms of university students

37. Immediately stop making administrative decisions that restrict personal freedoms of students, especially with respect to freedom of clothing, appearance and personal relations between students, while deleting the phrase "university traditions" from Article 124 of the Executive Regulations of the Law of Organizing Universities 49 of 1972.
38. Cancellation of administrative decisions issued in more than one university by specifying a specific clothing or appearance code for students.

Academic freedoms and independence of universities

39. Stop practices that violate academic freedoms and the independence of the university with the need to introduce a legislative amendment that reinstates the electoral mechanism in the selection of university leaders rather than the appointment by the executive authority.
40. Abolish the amendment of Article 72 of Law 103 of 1961 on the regulation of Al-Azhar which allows the university president to expel faculty members.
41. Remove all administrative and legal obstacles to freedom of research, and facilitate travel procedures for faculty members abroad for scientific purposes, as well as stop security interventions in such decisions.