The quarterly report on the state of freedom of expression in Egypt

Third quarter
(July – September 2017)
Third Quarterly Report
On The Situation of Freedom of Expression in Egypt
(July – September 2017)

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Report Methodology

The report was based on the presentation and analysis of some issues related to the right to freedom of expression and freedom of information, in order to evaluate the general policies of state institutions towards those rights. The report reviews the documented violations in accordance with AFTE standards as well as an analysis of patterns of violations in order to demonstrate the impact of state policies on the right to freedom of expression.

Introduction

There is still a steady decline in the situation of freedom of expression in Egypt, where various state institutions are involved in restricting freedom of expression and prosecuting individuals who express their views either through the Internet or as part of their work as journalists, photographers, writers and creative artists. Egyptian authorities also continue to block websites, a policy that began on 24 May and has continued to expand to date.

The monitoring of violations during the third quarter of 2017 shows the extent to which the Egyptian authorities have expanded the blocking of websites, in addition to the various decisions by the higher Council for Media Regulation, whose role in censorship of media and creative work is increasing. The fierce attack on young men and women who raised the rainbow flag during a concert in Cairo may be the most prominent feature of these practices. The Higher Council for Media Regulation was strongly present through its decision to prevent the hosting of homosexuals on media channels, while security institutions sought to prosecute and arrest those young men and women, and judicial authorities investigated them. This behavior by State institutions of violation of freedom of expression is a reflection of various practices of censorship, tracing and
prosecution. As this report shows, for example, various government institutions have prevented journalists from coverage, while security authorities prosecute social media users. The report also reveals that security authorities arrested users of social media, as well as assaulted and prosecuted journalists and photographers.

The report reviews these practices in detail. The first section deals with some issues that are most important in understanding the state of freedom of expression during the third quarter of 2017, including the issue of the rainbow flag and the persecution of solidarity with gay rights, as well as developments of the exchange of information law. The second section presents statistics on violations of freedom of expression as regards digital rights, blocking websites, freedom of the press and media, preventing press coverage, freedom of creativity, and student rights and freedoms. In the third section, the report attempts to analyze patterns of violations by focusing on the most prominent observations that can be inferred from the performance of state institutions. Finally, the report reviews a number of necessary recommendations addressed to the concerned state authorities.

AFTE hopes that the Egyptian authorities will review their actions against the right to freedom of expression and to stop the security practices and prosecutions that restrict the freedom of expression in a systematic manner to intimidate citizens and spread fear of public policy debate. For this purpose, the report contains a set of recommendations, which were formulated based on an analysis of the state of freedom of expression in the third quarter of 2017.
I. Review of the situation of freedom of expression

In its first section, the report discusses the situation of freedom of expression during the third quarter of 2017, highlighting a series of events and developments that illustrate the policy of state institutions towards the right to freedom of expression. During the third quarter, several issues were raised indicating the situation of freedom of expression in Egypt as follows:

- **The rainbow flag case: on the right to free expression**

During the third quarter of 2017, a number of young people carried a rainbow flag during a music concert, symbolizing solidarity with diversity and is used during solidarity rallies with gay, lesbian, bisexual and transgender people’s rights around the world. The concert was held on 22 September 2017, with the participation of a number of music bands, including Mashroule Leila - a Lebanese band for alternative rock music, formed in Beirut in 2008. Following the concert, the media and social networking sites witnessed a great debate about raising the flag of the rainbow, and there were many voices calling for the tracking and prosecution of young people who expressed solidarity with diversity and acceptance of various sexual orientations and gender identities. On September 25, 2017, security authorities announced that they had arrested 7 homosexuals, following their incitement to immorality, debauchery and promotion of homosexuality at the concert, according to Al Youm Al Sabée newspaper quoting informed sources. ¹ The newspaper said that a research team was formed at the highest level, and that investigation bodies, after reviewing the surveillance cameras at the concert, identified individuals who have promoted those ideas and raised the flags.

A number of MPs and famous media figures complemented the security intervention

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of chasing the young people who raised the flag, including MP Mostafa Bakry, who in a press statement said: “they must be brought to a speedy trial because their action was deliberate.” Ahmed Moussa, TV anchor welcomed the referral of the rainbow case to state security prosecution, announcing the success of security authorities in “identifying those who raised the rainbow”, promising that more will join the lawsuit.

Those statements came in the midst of a wider campaign that involved the official religious institution, the Higher Council for Media Regulation, which banned the appearance of LGBT people on any type of media channels, except if they wanted to admit their wrongness of their conduct and repent.

The rainbow case exposed the hostility of state institutions and media sectors to the right of citizens to express solidarity with diversity and to accept various sexual orientations and gender identities, as reflected in calls to prosecute young men and women who have carried the rainbow flag and even calls for legislations to criminalize gay, lesbian, bisexual and transgender rights gender identity. Through these practices, state institutions, with the help of the media, the official religious establishment and sectors of the community, seek to dominate the culture of society and impose a single cultural pattern. The rainbow case is particularly significant in that the LGBT community is subjected to considerable pressures resulting from, inter alia, religious beliefs that view homosexuality as taboo, as well as the traditions of society that prohibit talk and debate about homosexuality, as well as the attitude of the various security, judicial and legislative institutions of the state, which adopt a very hostile view of homosexuals and diverse gender identities, as manifested through persistent abusive practices against the LGBT community. Ensuring freedom of expression helps to address these problems and to manage the debate about these social restrictions on LGBT; while the restriction of freedom of expression enables state institutions and social institutions to suppress non-mainstream ideas.
State institutions violated their commitment to the Constitution (art. 65) and international covenants when they launched this campaign, instead of protecting the rights of all citizens to express their opinion freely and to ensure that they would not be harmed by the outcome of their opinions and beliefs. The Egyptian state’s tendency to prevent expression of diversity and acceptance of various sexual orientations and gender identities corresponds to the behavior of States that violate the right to express sexual orientation and gender identity, which has been addressed by various reports by special rapporteurs of the right to freedom of opinion and expression and human rights defenders. Those reports firmly concluded that the right to freedom of expression is the right of everyone regardless of sexual orientation or sexual identity.  

Accusations against a number of citizens about raising the flag of the rainbow continue until the time of release of this report, as well as the decision of the Higher Council for Media Regulation on the prevention of homosexuals from appearing in the media. At the same time dozens of citizens are accused of practicing debauchery after security authorities persecuted them, while the Union of Musical Professions decided that it will not allow the Mashrou Leila band to hold other concerts in Egypt in the future. 

6. Arabic BBC, Arrest of 7 in Egypt after raising the homosexuality flag in a music concert, 26 September 2017; last visited on 1 October 2017. http://bbc.in/2i4J996
- The block of websites: the state hides the block decision

Since May 2017, there has been a significant increase in the number of blocked websites. With the exception of the Al Arabi Al Gadid site, which was blocked in Egypt by the end of 2015, hundreds of other sites were blocked, amounting to 323 during the reporting period (July to September). The nature of blocked sites will be clarified in the next section of the report. Although several months have elapsed since the phenomenon of blocking websites, the Egyptian government continues to refrain from disclosing its decision to block those sites. Inquiries made by press sites to the Journalists Syndicate and the Higher Council for Media Regulation have not been able to obtain information from the Egyptian government. Of course, there were published reports about the existence of a report by a sovereign authority reviewing similar experiences of blocking websites in Arab and foreign countries, with the aim of justifying blocking in Egypt. In May 2017 the government acknowledged the block of 21 websites.\(^7\)

Despite these media reports, the Egyptian government has not issued a formal statement regarding the block of websites, either to present its decision or to explain what happened to the hundreds of sites. It is therefore that AFTE filed a lawsuit to challenge the Egyptian government’s blocking of hundreds of websites, most of which are of a news nature, without prior decision or clarification. In its lawsuit, AFTE said that this state conduct will limit news and information to channels and sources that are favored by the Egyptian government, which makes its decision a flawed abuse of power. The case is pending before the administrative courts at the time of publication of this report.

The crisis of blocking websites has extended to a number of websites of international human rights organizations and media sites. These bodies referred to the responsibility of the Egyptian government for blocking their websites and their request to lift the ban, according to a spokesman for the Deutsche Welle Foundation after blocking
its Qantara site. The same thing befell the website of the organization of Reporters without Borders, where the French Foreign Minister said that he seeks to address this issue based on the relationship of trust with the Egyptian authorities, according to a statement issued by the French Embassy in Cairo on September 21, 2017. The Egyptian government has not issued any responses to this criticism of its interference in blocking websites.

- Law of exchange of information: A societal debate that never took place

On July 5, 2017, the Higher Council for Media Regulation formed a committee to prepare the draft law on freedom of information circulation. The committee will study a set of models for the laws of information circulation in different countries. It consists of 10 members, according to the website of the Supreme Council for Organizing the Media, including 5 members of the Higher Council for Media Regulation, headed by the committee’s director Dr. Huda Zakaria, in addition to 5 other members representing the Central Agency for Public Mobilization (CAPMAS), the Information Center of the Council of Ministers and the National Telecommunications Regulatory Authority, and two former Ministers of Culture, Dr. Saber Arab and Dr. Emad Abu Ghazi.

The Committee held a number of meetings to discuss the drafting of the law on the circulation of information. The Committee's Rapporteur announced the use of a set of documents to help in these discussions: a comparative study of the laws of free circulation of information in a number of African, Asian and European countries as well as the United States of America in addition to a legal study prepared by AFTE, which reviews basic provisions of the proposed bill and its details, and the criteria set by international expert Toby Mendel. Despite statements by the chair of the committee and the head of the Supreme Media Council about the imminent completion of the draft

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law, the draft law was not published during the period covered by the report. AFTE in cooperation with ARTICLE 19, attempted to assist the committee to prepare the law on the circulation of information. The two organizations sent a letter to the President of the Supreme Council for Media Regulation\textsuperscript{12} by fax and e-mail on 5 September 2017. The letter included several attachments, foremost a draft prepared by Egyptian human rights organizations and a group of experts and academics in February 2012\textsuperscript{13}, as well as the principles adopted by Article 19 on the public’s right to knowledge, which include the principles of legislations relating to the right to information.

AFTE took this step as an attempt to reach out to the concerned committee and provide it with documents that would help to enhance the right to information. However there continues to be a huge reluctance in engaging the public in the discussion of this law. The committee did not call for hearings to know the opinions of experts, academics, civil society organizations, journalists and researchers, nor did it announce any previous drafts, either from government agencies such as the Information Center of the Council of Ministers or the Ministry of Justice, or those provided by civil society organizations or former House of Representatives MP Anwar Sadat. This is a reflection of a general line in the preparation of draft laws, in which government authorities have tried over the years since 2011 to single handedly authorize the drafting of the law of information circulation. Only the conditions before June 2013 allowed for the listening of the views of some experts and organizations, but without real progress at the level of a law guaranteeing the right to free information. This is what the current committee must take note of in its preparation of the draft law.

\textsuperscript{12} AFTE, Letter by AFTE and article 19 to the higher media council concerning the information circulation act, 6 September 2017; last visited 3 October 2017. \url{http://bit.ly/2gXxHtX}

\textsuperscript{13} AFTE, draft law for free circulation of information, February 2012. Last visited 3 October 2017. \url{http://bit.ly/2y5S2PN}
- Higher council for Media Regulation: No executive regulations

The Higher Council for Media Regulation has been working in the absence of executive regulation of the institutional organization of the press and the media, throughout the third quarter of 2017. The law for institutional organization regulates the work of the Higher Media Council, the National Media Authority and the National Press Authority. Law No. 92 of 2016, on the institutional regulation of the press and media, stipulates that the executive regulation of the law shall be issued within three months of its implementation. The law has been in force since 25 December 2016. This means that there is a breach of the provision of the law, since more than 9 months have passed since the law was issued without issuing the executive regulations. During the third quarter of 2017, the Supreme Council for Media Regulation announced its approval of the executive regulations of the law. According to Gamal Shawqi, a member of the Higher Media Council, the list approved by the Council left a large scope of rules and standards to be decided by the Council. 14

The Law on the Institutional Organization of the Press and Media requires the issuance of the executive regulations after taking the opinion of the Supreme Council for Media Regulation, the National Information Authority and the National Press Authority. Press reports have published the draft executive regulations 15, but the draft has not been formally announced either by the Council of Ministers or the Supreme Council for Media Regulation, during the period covered by the report.

The Supreme Council for Media Regulation benefitted from the absence of the Executive Regulations in expanding its powers and authorities. The Council, through documented violations throughout the quarterly reports issued by AFTE, went beyond its mandate as a body to regulate and follow the media to act as a supervisory authority that bans, deletes and imposes penalties. For example, the Supreme Council for Media Regulation issued a decision in the third quarter of 2017 banning the appearance of homosexuals

15. Walid Salah and Hadir Sharawi, we publish the executive regulations organizing the performance of media bodies after their approval, Al Dostour, 9 August; last visited 3 October 2017. http://bit.ly/2hi2vNs
in the media, as mentioned in this report. This report contradicts the professionalism of the media profession, since media channels should present and discuss all issues without censorship or taboos. It should also provide citizens with a space to express themselves without discrimination because of sexual orientation.

I. Violations of the right to freedom of expression

This section of the report presents statistics of violations of digital rights, block of websites, press and media freedom, freedom of creativity and students rights and freedoms respectively, as documented by AFTE during the third quarter of 2017, as follows:

- Digital Rights

During the period covered by the report, we documented 13 cases of violation of digital rights, mostly in Cairo (6 cases) followed by Menya and Matrouh (2 cases each) as shown in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cairo</td>
<td>6</td>
</tr>
<tr>
<td>Menya</td>
<td>2</td>
</tr>
<tr>
<td>Damietta</td>
<td>1</td>
</tr>
<tr>
<td>Matrouh</td>
<td>2</td>
</tr>
<tr>
<td>Menufeya</td>
<td>1</td>
</tr>
</tbody>
</table>

Violations of freedom of digital expression during the 3rd quarter of 2017 according to geographical location:
Arrests were the most prevalent violations of digital rights (11 cases) as follows:

**Violations of freedom of digital expression during the 3rd quarter of 2017 according to nature of violation:**

- Suspension from work: 1
- Arrest: 11
- Summon: 1

Victims of the violations included Facebook page administrators (10 cases) and social media users who expressed their opinion on Facebook (3 cases) as follows:

**Violations of freedom of digital expression during the 3rd quarter of 2017 according to platform used for expression of opinion:**

- Personal Facebook account: 3
- Facebook page: 10
The police committed the highest number of violations of digital rights (10 cases) as follows:

**Violations of freedom of digital expression during the 3rd quarter of 2017 according to perpetrator:**

- Police: 10 cases
- Zaqaziq University: 1 case
- Public prosecution: 2 cases

In 10 cases the expression of political opinion was the cause for the violation, while the remaining 3 cases were persecuted for expressing a religious belief, as follows:

**Violations of freedom of digital expression during the 3rd quarter of 2017 according to cause of violation:**

- Expression of political opinion: 10 cases
- Expression of religious belief: 3 cases
- **Block of websites**

The number of blocked websites amounted to 323 sites during the third quarter of 2017, mostly VPN and proxy service providers (284 sites), followed by websites of human rights organizations (10), and press sites (10) as follows:

**Classification of blocked websites during the third quarter of 2017 according to nature of content/service provided:**
- **Press and Media Freedom**

Violation of media and press freedom of individuals amounted to 35 cases during the third quarter of 2017 (Obstruction of coverage will be addressed below, since they involve an indefinite number of individuals and media bodies). The highest rate of violations took place in Cairo (27) followed by Alexandria and Giza (3 each), as follows:

Violations of press freedom according to geographical location

![Bar Chart](chart.png)

- Cairo: 27
- Alexandria: 3
- Giza: 3
- Dakahleya: 1
- Qalubeya: 1
Victims of those violations were mostly journalists (23) followed by photojournalists, photographers (5) and TV presenters (5), as follows:

**Violations of press freedom according to profession of victim**

Regarding the workplace where the violation took place, 13 cases were documented in private newspapers and 12 cases in private press websites, as follows:

**Violations of press freedom according to nature of workplace**
Expulsion from work was the most common violation related to press and media freedom (6 cases), physical assault in 5 cases, as follows:

**Violations of press freedom according to nature of violation**

- Expulsion from work: 6 cases
- Fine: 4 cases
- Prison sentence in absentia: 4 cases
- Interrogation: 4 cases
- Banning an article: 1 case
- Physical assault: 5 cases
- Suspension from work: 3 cases
- Arrest: 4 cases
- Temporary ban of performance: 3 cases
- Summon for interrogation: 1 case
The Giza criminal court was the institution that inflicted the highest rate of violations against press and media freedom (5 cases) followed by Al Youm Al Sabe'e newspaper (4 cases), and the Higher Council for Media Regulation (3 cases) as follows:

**Violations of press freedom according to specific violator**
Overall, judicial bodies inflicted 15 violations, followed by privately owned newspapers (7 cases), as follows:

Regarding prevention from coverage the report documents 10 cases, highest in Cairo (6 cases), as shown:
The majority of preventions of coverage was done by government institutions.

Violations of press freedom according to body preventing coverage

- Government body: 5
- Private institution: 2
- Judicial bodies: 3
- Freedom of creativity

Violations of freedom of creativity reached 14 cases, 8 of which against artistic works, and 5 against individuals, as follows:

Violations of freedom of creativity according to target of violation

- Artistic work: 8
- Entity: 1
- Individual: 5
Visual arts were the most frequently affected (4 cases) followed by cinema movies and pieces of theater (3 each) as follows:
Regarding the nature of violation of freedom of creativity, banning performance was the most common (6 cases) followed by arrest of creative artists (4 cases) as follows:

Violations of freedom of creativity according to specific violator

- Altering content: 1
- Deleting content: 1
- Stop a show: 1
- Ban a show: 6
- Arrest: 4
- Disciplinary measures: 1
The police and the oversight authority over artistic works were the most common perpetrators of the violation (4 each) as follows:

**Violations of freedom of creativity according to specific violator**
Government institutions were the most common bodies violating freedom of creativity (5 cases) followed by security and oversight bodies (4 cases each) as follows:

Violations of freedom of creativity according to category of violator

Political views were the most common cause for violation of freedom of creativity (10 cases) followed by morality and public decency (3 cases), as follows:

Violations of freedom of creativity according to cause of violation
- Students’ rights and freedoms

The third quarter of 2017 witnessed (5) violations of students’ rights and freedoms, of which 3 were at Helwan University and 2 at the Canadian University, as follows:

Violations of freedom of students’ rights and freedoms according to university

Two of the violations were in the form of a 2 week expulsion from university, while two were in the form of a hearing, as follows:

Violations of freedom of students’ rights and freedoms according to nature of violation
Three of the violations took place in state owned universities, while two happened in privately owned ones, as follows:

Violations of freedom of students’ rights and freedoms according to type of university

- State owned university: 3 violations
- Private university: 2 violations
The third quarter of 2017 shows a significant increase in the number of blocked sites, amounting to 323 sites. The phenomenon of blocking websites is a recent phenomenon in Egypt. With the exception of the block of the site of Al Araby Al Gadid, most websites have been subjected to block since May 2017, indicating a decision taken by the Egyptian government to reduce access to the web. This step is in accordance with the authoritarian attitude of Egyptian authorities towards internet users, which ranges between security and judicial persecutions and even blocking websites of famous human rights organizations and those of European media channels. However, Egyptian authorities have not yet announced the decision to block the sites, nor its reasons or legal foundations. There has been increasing criticism of the Egyptian government by international bodies and institutions in this regard, but the Egyptian government continues to ignore the disclosure of information.

The judiciary continued to judge and investigate individuals belonging to groups that exercise freedom of digital expression, freedom of the press and media and freedom of creativity. This is linked to the conservative attitude of judicial bodies in dealing with issues of freedom of thought and expression, imposing legislations that are hostile to rights and freedoms and enforce oversight on journalism, creative works and digital expression of opinion. Together with the police, the prosecution persecutes users of social media, while judicial bodies have issued decisions in 15 cases related to press and media freedom.

Violations during the third quarter of 2017 reveal the continuous pursuit by state institutions to restrict freedom of expression, as shown in the periodic reports issued by AFTE. Those restrictions are extensions of the oppression by Egyptian authorities of public freedoms and citizens’ rights in general. Although the documentation by AFTE does not necessarily cover all violations of the right to freedom of expression, it is still an indicator of the attitude of the state, exposing its various practices in restricting citizens’ rights to freedom of expression.

In reviewing the various violations covered by the report, it is clear that there is an
antagonism towards Egyptian citizens access to exchange information and opinions, whether political or moral, or public or religious, indicating a decision by the authorities to maintain prevailing social ideas and attitudes, that are supported by the regime, with no consideration of the diversity and plurality of views within society.

Generally, we can say that Egyptian authorities are making big efforts to maintain a single voice addressing and explaining and commenting on developments in the country. They are using all possible means, including block of websites, to issuing decrees and decisions by the Higher Council for Media Regulations, to police and judicial persecution of citizens and groups that wish to express their views. The situation threatens an establishment of a state of fear and self censorship by journalists, media figures, social media users and others. It is therefore important for civil society, political parties and the various groups deprived of their rights to draw attention to those systematic violations of the right to freedom of expression.

I. Recommendations for the protection of freedom of expression

Through its periodic reports, AFTE seeks to draw attention to practices and violations that deprive citizens of their constitutionally guaranteed rights. AFTE makes a series of recommendations to relevant authorities in an attempt to influence public policy-making and to motivate lawmakers and decision-makers to work towards these recommendations. Following up on the status of freedom of expression and freedom of information circulation during the third quarter of 2017, AFTE makes the following recommendations:

- The Higher Council for Media Regulation should present the draft law on the circulation of information, prepared by a committee formed by the Council, in public discussion sessions attended by concerned civil society organizations, journalists, academics and experts.
- The Higher Council for Media Regulation should withdraw the decision banning
media appearance of homosexuals and guarantee the freedom of the media to discuss and host diverse views on gender orientation and identity without administrative restrictions.

- The Egyptian government should make public the decision related to the block of websites and explain the reasons for their block.
- The Egyptian government should immediately lift the block on hundreds of sites it has blocked and ensure that users have access to materials posted online.
- State Security Prosecution must release the youth detained for expressing their opinion by raising the rainbow flag during the Mashroule Leila concert, in compliance with relevant constitutional provisions.

**Conclusion**

AFTE believes in joint action to protect the freedom of thought and expression in Egypt. Through these periodic reports, it seeks to stimulate and encourage various efforts to provide the necessary guarantees for Egyptian citizens to express their views freely. AFTE calls upon all interested parties to continue to lobby Egyptian authorities to comply with international standards, which are constitutionally guaranteed to protect and promote freedom of expression. Finally, AFTE reiterates the need for state institutions to protect the right to freedom of expression and to stop systematic practices that lead to its violation.