

ISSN: 2788-8037

Publication details, including guidelines for submissions:

<https://rowaq.cihrs.org/submissions/?lang=en>

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To cite this article: Salah, Nadine (2024) 'A History of Failures: Engagement between the Rights and Protest Movements in Egypt', *Rowaq Arabi* 29 (2), pp. 40-62, DOI: 10.53833/UZUV3776.

To link to this article: <https://doi.org/10.53833/UZUV3776>

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Nadine Salah

Abstract

In its four decades of existence, the sphere of action and tools of the Egyptian human rights movement have evolved. At the same time, political and economic shifts gave rise to a protest movement in the early twenty-first century. Lacking the means to influence government policies, it was fragmented and without a leadership and organisational framework. In this context, the human rights movement was unable to play an effective role in building grassroots bases, framing these protests and structuring their demands, and giving them enough support to confront the state, influence its institutions, and bring about change. This paper will analyse the relationship between the human rights and protest movements and explain the failure of the former to engage with the latter. The study seeks to answer a key question: Why did the human rights movement in Egypt fail to build a broad popular base or institutionalise and frame protest demands and strengthen the protest movement in its confrontation with the authorities? The study takes a descriptive analytical approach, relying as well on interviews with a number of Egyptian rights defenders. It concludes that the failure of the human rights movement is attributable to structural factors, such as state repression and the legal framework in which it operated, and factors internal to human rights organisations, including their reliance on foreign funding, the lack of a role for boards of directors coupled with the expansive prerogatives of executive directors, and representation and accountability.

Keywords: Egypt; Rights Movement; Protest Movements; Authoritarian Resurgence; Failure of the Rights Movement

Introduction

The Egyptian human rights movement emerged in a context of repression, security constraints, and legal restrictions. Over its four decades of existence, the movement has evolved, both in the issues it champions and the methods it uses to address human rights violations. Initially the focus

was exclusively on political and civil rights; by the turn of the twenty-first century, the movement's perspective had broadened to include social and economic rights. The movement also developed its operating methods to encompass the documentation of violations, research, advocacy campaigns, and litigation, and it extended its defence of rights to new social groups, including workers, farmers, politicians, professionals, and women.¹

Despite this development, the relationship between the human rights movement and the protest movement that took shape in the first decade of the twenty-first century and grew to include many individuals remained limited. Protests often lacked an organisational structure, a common discourse, and leadership, their capacity to influence was limited and their demands were narrow and factional. The human rights movement could have played a mediating, leadership role to unite the protest movement, and institutionalise and generalise the demands of factional protests in order to achieve long-term change, especially given the situation of political stagnation and the weakness and fragmentation of political parties and the state's opposition to political organisations. The human rights movement also possessed financial and human resources, in the form of activists, leaders, and intellectuals representing the social elite.²

Yet, the human rights movement did not step in to play a role in building grassroots bases, framing these protests and structuring their demands, and providing them with sufficient support to confront the state, influence its institutions, and bring about change. Although human rights movements did provide multiple forms of support, it was not enough to allow the protest movement to succeed and exert influence. Even after the 2011 uprising and the opening of the political and social spheres, the human rights movement was unable to form a social base. This is attributable to several endogenous and structural factors.³

The paper discusses the interaction between the human rights and protest movements in Egypt until 2013, which set the stage for an authoritarian resurgence, a renewed security grip on the public sphere, and the decline of the protest movement. The paper poses a key question: Why did the human rights movement in Egypt fail to build a broad public base or institutionalise and frame the demands of protests and strengthen them against the authorities? This generates several secondary questions. Firstly, how did the human rights and protest movements evolve in Egypt? Secondly, how did the two movements engage with each other? Thirdly, what factors led to the failure of the human rights movement in Egypt to support, frame, and institutionalise protest movements and enhance their ability to bring about change?

The paper adopts a descriptive analytical approach to explain the failure of the human rights movement to establish grassroots ties and influence the protest movement. The descriptive analytical approach relies on the collection of data and information to clarify and analyse the relationship between the study variables in the form of questions; conclusions are then drawn based on the relationship between the variables.⁴ In addition, the study draws on a number of interviews with human rights defenders. Five in-depth interviews were conducted with executive directors, directors of research units, and directors of legal units in human rights organisations in Egypt from March to May 2024. Three of the interviewees live in Egypt and were interviewed face-to-face, while two reside abroad and were interviewed by telephone using the Signal or Jitsi application.

The human rights defenders will be referred to by male-gendered pseudonyms: Zain, Gehad, Magd, Nour, and Islam. The defenders agreed to be interviewed on the condition that their names be withheld given the current security and political context, and they consented to the use and publication of passages from the interviews on this basis.

The study is divided into five sections. The first section lays out the conceptual framework and defines the basic concepts on which the study relies. The second focuses on the emergence and evolution of the human rights movement, while the third discusses the development and features of the protest movement. The fourth section examines the relationship and engagement between the human rights and protest movements. Finally, the fifth section discusses the factors contributing to the failure of the human rights movement to establish a mass base and influence the protest movement.

Conceptual Framework: The Protest Movement and Civil Society

Taylor and Van Dyke define protest movements as ‘sites of *contestation* in which bodies, symbols, identities, practices, and discourses are used in order to pursue or prevent changes in institutionalized power relations’.⁵ Protest triggers a process of indirect persuasion mediated by the media and influential actors. Non-influential actors must mobilise support from more influential groups. In order to succeed, protest must create positive incentives to win the sympathy and support of those who have more resources that can be invested and mobilised during the protest.⁶ In another context, Herbert Blumer defines a protest movement as a social activity that often takes the form of amorphous perceptions and emotions that, with time, become a distinct entity and expression of new forms of collective effort and behaviour,⁷ while Charles Tilly describes it as ‘a sustained series of interactions between powerholders and persons successfully claiming to speak on behalf of a constituency lacking formal representation, in the course of which those persons make publicly visible demands for change in the distribution or exercise of power, and back those demands with public demonstrations of support’.⁸

Some of the literature defines protest as reactive, an expression of dissatisfaction with the status quo and an attempt to change it for the better, or at least remedy some dysfunctions or bring about a change in government leaders. Protest is an activity undertaken by a group of individuals to express the anger prevalent across society or in specific, often socially marginalised, constituencies. A protest movement thus entails one group challenging another on a specific, pressing issue, and it takes different forms and utilises various techniques.⁹ As an act of contestation, protest is a key mode used by social or political movements to confront power. Protest may take stronger or more weaker forms; what distinguishes it as an act of contestation is that it breaks the daily routine of public life, whether by peaceful or violent action.¹⁰

Civil society is a broad term that refers to a social sphere independent of the state, made up of non-governmental groups and organisations that work on public issues and seek to achieve positive change in society. Civil society is ‘a group of free voluntary organisations that fill the public space between the family and the state to achieve the interests of its members; in this it is committed to

the values and standards of respect, mutual consent, tolerance, and the peaceful management of diversity and disagreement'.¹¹ Civil society can also be defined as 'the totality of non-governmental organisations established to serve the common interests or principles of their members'.¹² Others maintain that it refers to 'all institutions that allow individuals to access public goods and benefits without government mediation and independently of the coercive apparatus of the state. Its subject is the field of knowledge that deals with institutions and practices that lie between the family and the state'.¹³ Civil society thus comprises all organisations that exist between the family and the state and that mediate between the state and individuals and work to form networks.

Civil society institutions may be defined as 'the political, economic, social, and cultural institutions that operate in their various fields independently of state authority to achieve different ends, including political ends, such as participation in decision-making at the national and national levels; trade union ends, such as defending the interests of their members; and human rights ends, such as defending various human rights and disseminating human rights concepts and principles'.¹⁴ Civil society thus serves numerous functions, some of which dictate that it cooperate and negotiate with the state while others require it to confront state power. The literature on the relationship between civil society and democracy finds that a strong, active, independent civil society is vital to guarantee and strengthen democracy and participation and to confront state hegemony and its infringement of the basic rights of individuals. It is not enough for civil society to confront the power of the state and its authorities by developing some democratic mechanisms for the distribution of authority and the establishment of an independent judiciary; civil society must also actively monitor the operation of these mechanisms.¹⁵

Emergence and Evolution of the Rights Movement in Egypt

The founding of the Arab Organisation for Human Rights (AOHR) in 1983 was a pivotal step towards institutionalising and organising the human rights struggle in the Arab region. The subsequent founding of the Egyptian Organisation for Human Rights (EOHR) in April 1985, established as a branch of the AOHR specific to Egypt, marks the beginning of the Egyptian human rights movement.

The EOHR was founded in a context of emergency law (imposed in 1981), an escalating, violent confrontation between security forces and Islamist groups, and increasing repression, torture, and abuse of dissidents, all of which contributed to the deterioration of the human rights and political situation and led to the imposition of restrictions on the public sphere and the formation of parties and associations. Under these conditions, abusive practices and collective punishment became rampant.¹⁶ The EOHR made great strides from 1989 to 1993 in institutionalising and professionalising human rights work in Egypt, and it worked to improve the documentation of violations. It did face several challenges, most significantly a lack of resources, internal divisions in the organisation, and the broader political context. Under the weight of these challenges, the

human rights movement fragmented after 1993, and several rights defenders went their own way to establish their own organisations.¹⁷

The 1990s saw the rise of a new generation of human rights organisations in Egypt against the backdrop of global and national transformations, most notably the collapse of the Soviet Union, the decline of international support for socialist ideologies, and Egypt's ratification of several international human rights conventions, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, and conventions on women's and children's rights. This put new legal obligations on the state and its approach to human rights. International organisations such as Amnesty International and Human Rights Watch devoted more attention to human rights issues in Egypt during the 1990s, while international organisations provided funding to human rights groups, which allowed them to expand the scope of their work and proliferate. The Egyptian government also came under growing pressure to improve its human rights record. These factors triggered the expansion of rights organisations and the diversification of their strategies to include litigation in addition to documentation of violations. The Cairo Institute for Human Rights Studies (CIHRS) was established in 1993, playing an important role in spreading awareness of human rights, disseminating rights-related research, and offering legal aid. The Human Rights Legal Aid Centre was founded in 1994 with the primary mission of providing free legal representation to people whose rights had been violated by the government. It was followed by the Women's Legal Assistance Centre in 1995, which provided free legal assistance to women. The Land Centre for Human Rights also joined their ranks in 1996, offering legal assistance to farmers, while the Rights Centre for Prisoners' Legal Aid supported prisoners and their families. By 1997, legal aid and litigation had become the dominant strategy for human rights defenders, especially given Egypt's strong and relatively independent judiciary.¹⁸

In the first decade of the twenty-first century, Egyptian human rights organisations and the number and type of rights and issues they championed evolved further. Organisations turned their attention to social and economic rights instead of exclusively civil and political rights, focusing on the impact of neoliberal socioeconomic policies in fuelling poverty and inequality and repressing minorities. The Egyptian Initiative for Personal Rights (EIPR), established in 2002, devoted its efforts to underrepresented issues, such as minority rights and the rights to education and health, as well as political and civil rights. The Arabic Network for Human Rights Information (ANHRI), founded in 2004, focused on freedom of expression in Egypt and the Arab world, while the Association for Freedom of Thought and Expression (AFTE), established in 2006, trained its efforts on the defence of student rights and academic freedom. In 2007 Nazra for Feminist Studies, with a focus on women's issues, was established. In 2008, after the Mahalla workers' strike, the Front for the Defence of Egypt Protesters (FDEP), an informal gathering of activists and staff members of local NGOs, was formed to defend the rights of citizens to assemble and to provide them with legal assistance. The Egyptian Centre for Social and Economic Rights (ECSER), founded in 2009, pursued litigation specifically in cases of state corruption in privatisation contracts.¹⁹

After the 2011 revolution, human rights organisations like EIPR and ECSEER played a different role, joining social movements, political parties, and other actors to agitate for security sector reform, transitional justice, health insurance legislation, and housing policies. Rights organisations also continued to document violations and provide legal support. As the state's security grip loosened after the revolution, organisations and parties had more latitude to operate.²⁰ At the same time, new, organisationally different modes of human rights work emerged. Their repertoires were influenced by the popular protests of January 2011, relying on street and grassroots campaigns. The No Military Trials campaign, a volunteer endeavour, came together in 2011 to advocate against the prosecution of civilians in military tribunals and defend civilians in these trials. Freedom for the Brave and WikiThawra became major sources of information on political detainees in Egypt. Freedom for the Brave defined itself as a campaign and an electronic network, launched in response to the unprecedented wave of mass, arbitrary arrests in 2014 following demonstrations commemorating the anniversary of the 25 January uprising. These new forms of organising responded to actual needs, though they did not hew to the model of closed organisation and formal membership.²¹ By 2014, with the new 'war on terrorism', the security sector again controlled the public sphere, a reflection of the structural weakness of political and human rights actors and the absence of genuinely independent political organisations that could have prevented the return of authoritarianism.²²

Looking at the history of the human rights movement in Egypt over four decades, the evolution in strategies and issues is apparent. The movement can be divided into four generations based on strategies and operational scope. The first generation dates to the EOHR's founding in 1985 to the group's fragmentation in the early 1990s. Driven by the narrowing political horizons in Egypt, the abuse and prosecution of political opposition, and the systematisation of torture, EOHR focused on political and civil rights while also documenting violations and trying to reach out to various state institutions.²³ Second-generation organisations founded in the 1990s, such as CIHRS, Human Rights Legal Aid, the Women's Legal Assistance Centre, and the Land Centre for Human Rights, relied chiefly on litigation in their defence of human rights, targeting different constituencies like workers, prisoners, women, and farmers. Through litigation, these organisations made headway in the number of cases they handled and the diversity of rights they championed.²⁴ Third-generation organisations established at the beginning of the twenty-first century (e.g., EIPR, ANHRI, AFTE, Nazra for Feminist Studies, FDEP, and ECESR) highlighted previously disregarded social and economic rights and issues, such as the rights of social and religious minorities, education and health rights, freedom of expression, and student and academic rights, as well as political and civil rights. They utilised multiple tools in their work, including documentation, research, advocacy, the provision of legal assistance, and strategic litigation in defence of human rights.²⁵ For example, EIPR succeeded in halting the privatisation of the health insurance system through a lawsuit filed with the State Council in 2008.²⁶

A fourth generation grew out of the January uprising amidst the expansion of the public sphere, the weakened grip of the security sector, and the intermingling of various actors. Rights initiatives that took shape in this period—Freedom for the Brave, WikiThawra, and No Military Trials—

differed organisationally from conventional rights group, although traditional organisations were also formed at this time. These groups and organisations were distinguished by the tools they used, their organisational structure, and their responsiveness. Organisations also continued to focus on issues of social justice, economic equality, access to healthcare and quality education, and repressive security practices. The revolution and its aftermath brought with it a new set of issues, such as military trials of civilians and democracy, but these were largely short-lived and had little popular impact. Attention to rights such as freedom of religion and belief and freedom of association flagged; though these rights were constantly violated, they had no mass public backing.²⁷

The Protest Movement

As the state began transitioning to a market economy in the mid-1970s—slowly and without transparency—the existing social contract started to unravel. This contract guaranteed the populace a minimum threshold of social and economic rights and a social safety net (e.g., free education and healthcare, subsidised housing and rent control, and guaranteed government jobs for graduates) in exchange for which they ceded most civil and political rights. As the transition accelerated, the state no longer viewed these rights as rights. Government officials began to complain about overpopulation rather than pursuing economic development. In the early 1990s, the state made some progress when some foreign debt was forgiven due to the government's political stance on the Iraqi invasion of Kuwait and its subsequent participation in the international coalition against Saddam Hussein in 1991, but these gains were not sustained.²⁸

In addition to deteriorating socioeconomic conditions, the state was increasingly authoritarian, and corruption was rampant at every level. Privatisation picked up steam under the government of Ahmed Nazif (2004–2011), degrading the standard of living even further. These poor economic conditions fuelled escalating protests and strikes. In late 2006, the success of strikes by workers of Misr Spinning and Weaving in Mahalla al-Kubra triggered unprecedented protests across the country. A strike at Tanta Linen in 2009 lasted for six months, while the number of protests increased from 266 in 2006 to 614 in 2007 and to 630 in 2008; in 2009, Egypt witnessed some 700 protests. These protests typically were not coordinated and targeted no general political orientations. Rather, they voiced local, sectional demands, such as improved standards of living, higher wages, the payment of back wages, and permanent instead of temporary employment contracts.²⁹

Other, non-economic protests were seen as well (the 2002 protests in support of the Palestinian intifada³⁰ and in 2003 protests against the US invasion of Iraq³¹) and social movements like Kefaya, April 6, and the Popular Campaign for Change mounted political protests in support of democracy and against the president's efforts to pass the presidency to his son.³² Although membership in these movements was open, they remained largely elitist and lacked a mass social base.³³

By the end of 2010, Egypt was witnessing large-scale protests giving voice to popular discontent with the regime and its economic, social, and political policies. These protests succeeded in overthrowing the Mubarak regime and its government. The march of neoliberalism was interrupted by the revolution, and the weakening of the state's repressive machinery and the near complete collapse of the police, in addition to several factors particular to the transitional period. As a result, there was an unprecedented flurry of political, economic, and social protests until 2014, when the state restored its grip on security and enacted laws restricting protests and assemblies.³⁴

Features of protest movements in Egypt

Protests in Egypt from the beginning of the twenty-first century until the January 2011 uprising can be divided into two types: political protests led by socio-political movements (such as Kefaya and April 6) and economic protests, mostly by labour, triggered by deteriorating economic conditions. Economic protests were narrow, focused on short-term, piecemeal economic demands like higher wages for factory workers, improved labour conditions, and healthcare. The protests had no partisan dimension. In fact, workers in most cases rejected association with specific political forces out of wariness towards their political agendas. Labour rights protestors desired to bend the government to their demands; thus, they did not oppose the government as much as they sought to pressure it to achieve limited demands.³⁵

These protests were not organised through a union. The Egyptian Trade Union Federation (ETUF), which was thoroughly controlled by the regime at every organisational level, typically opposed these protests and took a pro-government stance. Workers thus kept their distance from the union and raised their demands through protests outside of its framework.³⁶

Attempts were made to institutionalise and organise labour demands apart from the ETUF, most prominently by the independent union movement established after the success of the 2008 real estate tax collectors' strike. Other independent unions were founded as well, including for pensioners and medical staff, but the movement remained limited in impact.³⁷ The January uprising offered the political opportunity to organise economic and labour demands, and subsequently hundreds of independent trade unions were formed, largely in white-collar professions and among public employees and the civil service. Nevertheless, independent union representation remained low among blue-collar workers in both the public and private sectors, constraining the ability of unions to represent and influence the post-2011 political and social transition. Unions also grappled with structural problems in management, internal coordination, decision-making, and severe centralisation, and starting in 2014, independent trade unions gradually disintegrated.³⁸ In short, the protest movement in Egypt acquired a certain degree of momentum, but at the same time was fragmented, limited in scope, and unable to exert real influence under an increasingly repressive authoritarian regime.

How Did the Rights Movement Support the Protest Movement?

Egyptian human rights organisations proliferated at the beginning of the twenty-first century³⁹ and broadened the scope of the rights and issues they championed. They expanded their networks and diversified the mechanisms pursued in defence of human rights. In addition to documenting violations and denouncing state human rights practices, new organisations turned to litigation, advocacy, and research. They targeted new constituencies, helping them to defend their rights when violated by the authorities.⁴⁰ Magd explains:

Human rights organisations provided various kinds of legal and logistic assistance to members of social and protest movements in their struggle against authoritarianism. The legal assistance they provided ranged largely from ordinary litigation to facilitate victims' access to Egyptian law to strategic litigation designed to challenge the state's policies and legal narrative. Organisations thus provided a legal shield for various movements before, during, and after the 2011 revolution.⁴¹

Nour concurs, saying: 'The Egyptian human rights movement supported the labour protests that flourished between 2006 and 2010 in opposition to low wages and deteriorating labour conditions. Lawyers working with organisations cooperated with striking textile workers in Mahalla in 2006, with real estate tax workers in 2007, and with other protests by providing legal aid'.⁴²

Types of engagement between the two movements

The human rights movement provided services and various kinds of support to the protest movement, including legal aid, strategic litigation, documentation of violations, media campaigns and advocacy, and research. It also tried to produce a rights discourse that redefined the public sphere and viewed the rights of workers and other constituencies through the lens of human rights.⁴³

1. Provision of services: Human rights organisations provided three main types of services to support protest movements: legal services, organisational services, and networking. Legal services, the most common form of support, entailed defending demonstrators or workers after arrest or prosecution due to their participation in various kinds of protest or providing legal assistance to workers fired from their jobs in retaliation for protest or trade union activity. Organisations also offered legal and advisory support to workers attempting to challenge the authority of the state-controlled ETUF by contesting elections or establishing unions independent of the federation.⁴⁴ As Zain puts it:

The legal assistance offered by human rights organisations to the protest movement provided an opportunity to develop the challenge to authoritarianism and the elites who control government and wealth. Vulnerable social groups such as farmers,

workers, religious minorities, the LGBT community, and women were given legal aid to support their struggle through access to technical assistance. Organisations defended these groups in their battles against regime oppression and the violation of their rights in the name of religion, culture, customs, traditions, and social norms. In these cases, organisations used the law as a way to counter the restriction and violation of fundamental freedoms.⁴⁵

In addition to legal services, rights organisations provided logistical, educational, and organisational services, for example by hosting meetings or offering in-kind support for protest activities like food or shelter for protesters or strikers. The Hisham Mubarak Centre, for example, supported the sit-in in front of parliament in 2009 and 2010. ECESR also, since its establishment, played a central role in coordinating the labour movement, especially after the 2011 revolution. It offered legal support to workers and capacity-building activities, organising training courses and workshops to educate workers about their rights and duties and building the capacities of many labour leaders in Egypt. The centre also facilitated networking between the labour movement and other movements such as the feminist movement and the human rights movement in general.⁴⁶

Networking was the third type of service offered by rights groups and organisations, which worked to expand outreach by the protest movement by introducing it to other actors, whether official actors such as members of parliament or members of civil and political society such as members of parties, trade unions, and the media. For example, in 2012, the Cairo Street Vendors Syndicate solicited legal assistance and advocacy aid from EIPR in its quest to amend the street vendors law. For its part, EIPR provided legal advice and networking services by linking street vendors' unions in a number of governorates with support groups. It also hosted several meetings to coordinate between the union and various parties.⁴⁷

2. Strategic litigation: Strategic litigation, sometimes called impact litigation, entails selecting a particular case and filing suit for the purpose of bringing about large-scale social change. It aims to use the law to make a lasting impact that transcends the specific case at hand. Cases chosen for strategic litigation are as much about the impact they have on the broad populace and government as they are about winning the individual case.⁴⁸

Strategic litigation was pursued successfully in two main areas. Firstly, it helped to institutionalise material gains made by the labour movement, specifically a 2009 case⁴⁹ that obliged the state to set a minimum wage for workers under Law 12/2003.⁵⁰ The lawsuit effectively leveraged the factional, uncoordinated strikes seen across the nation since 2004 into concrete gains in the form of better wages and working conditions. The second area was in rolling back neoliberal policies, especially the privatisation of state-owned enterprises. In 2007–2008, EIPR challenged a government decree to transform the Health Insurance Authority into a holding company responsible for healthcare, seen as a prelude to the privatisation of the government body. EIPR filed suit before the Administrative Court seeking the revocation of the decree and won the suit in 2008.⁵¹

Islam explains: ‘Strategic litigation was an effective tool that had a profound, far-reaching impact on state policies, unifying the demands of protest movements and translating them into concrete policies. The rights movement has thus sometimes succeeded in bringing change, leaving its mark and translating factional, intermittent demands into effective policies’.⁵² Gehad adds:

Human rights organisations challenged the repressive state authority before the Supreme Constitutional Court through strategic litigation, in an attempt to resist economic and social exploitation and political repression. Despite the security and authoritarian crackdown, and state control of the judiciary after 2013 and its efforts to neutralise it and weaken its role, the issue of Tiran and Sanafir brought strategic litigation back to the forefront. Lawyers scored a victory after the Supreme Constitutional Court invalidated the state decision to cede the islands to Saudi Arabia on the grounds that it violated the rules of sovereignty.⁵³

Despite the support and services provided by the rights movement to the protests, engagement between the two movements remained limited, an assessment supported by most of the rights defenders interviewed. The two movements failed to collaborate and come together to bring about change. Certainly, the two movements interacted, and the rights movement offered various forms of support, but it ultimately failed to make the protest movements, specifically the economic movements, adopt a comprehensive human rights discourse that would enable them to overcome the limitations of piecemeal demands in a single factory, institution, or constituency. These efforts were no doubt hampered by inhospitable political conditions and the weakness of political formations such as parties and groups, which could have played a leadership and organisational role in institutionalising and unifying the discourse and demands of the protest movement in order to achieve change.⁵⁴ In this context, Gehad adds:

Since the turn of the millennium, the rights movement possessed various human, financial, and organisational resources as a result of strengthening its ties to international organisations and its dependence on mostly foreign funding. But it failed to build a grassroots base or spread a human rights culture and ideology in Egypt, despite periods of relative political and security openness from 2008 to 2013. In other words, rights organisations maintained a narrow, elitist perspective. Even when they supported labour and protest movements, they did not reach out to workers directly, but only engaged with some workers and brought them into the rights movement. Consequently, they could not communicate with broad, diverse constituencies within the target groups.⁵⁵

The human rights movement, as a collection of institutional, organised entities that involve leaders, politicians, activists, and intellectuals, should have played a role in reaching out to the grassroots public, framing their demands, and unifying the discourse, to enable the protests to persist and

achieve comprehensive political and economic change. Their role was urgently needed given the political stagnation, the decline of traditional parties, and state violence against non-partisan political organisations. In such a context, civil society can act as a mediator between citizens and the state, help to spread the values of citizenship and participation, contribute to democratisation, unify protest demands and discourse, and provide leadership. Even after the January uprising opened the public sphere to allow for greater engagement between different forces and groups, rights organisations were unable to articulate a human rights discourse that encompassed and framed factional protests, which grew in number until 2014.⁵⁶ As Zain says:

The unprecedented mass mobilisation and protest that Egypt witnessed in 2011 offered an ideal opportunity to develop the human rights movement, disseminate human rights values, and extend the efforts and activities of organisations, as well as draw public attention to the use of various methods. But organisations continued to play the same role they had before the revolution. Although rights organisations undeniably scored some victories after the revolution by highlighting issues, overall the rights movement failed to expand and diversify its scope and repertoire to suit the political context'.⁵⁷

Nour similarly stresses the momentousness of the January uprising compared to organisations' limited efforts to act upon and exploit the historical moment. The January 2011 uprising:

...offered a historical opportunity for development and engagement, with greater latitude and public space for parties, rights groups, social movements, and NGOs to interact than in any previous political era, given the absence of repression and security control. Rights organisations made diverse efforts, but they were not all successful, as reflected in their failure to publicise the NGO law, make it a priority for decision-makers, and achieve any structural change in this respect. Once the authorities regained control of the public sphere in 2013, it became clear that the efforts of the human rights movement were ephemeral. While we cannot discount them, we should not overestimate their value either.⁵⁸

Rights Movement's Failure to Build a Grassroots Base and Anchor the Protest Movement

Since its inception in the mid-1980s, the human rights movement in Egypt has had many successes. Human rights activists have been relatively successful in influencing public discourse through periodic reports, advocacy, and campaigns on violations. They have also popularised some concepts associated with economic and social rights and citizenship, as well as human rights terminology. The movement has won victories in court through the provision of legal assistance to victims and through strategic litigation. Nevertheless, these activists have not had a marked influence on concrete economic and social policies and they have they not managed to reduce

human rights abuses. Nor has the movement put down strong roots in society or built relationships with various parties; without this base of popular support, it has remained a disembodied head. It has also not succeeded in building a sustained protest movement and establishment that promotes democratisation in Egypt and would prevent authoritarian backsliding.⁵⁹ In this section, I will discuss the structural and endogenous factors that precluded the human rights movement from establishing strong ties with a grassroots base and supporting protest movements.

Structural factors

1. State repression: Since its founding in the 1980s, the Egyptian human rights movement has operated in a repressive political environment. By the mid-1990s, the government's approach towards local rights organisations had changed markedly as the regime's unease with the movement reached new heights. The number of organisations had grown, and they had established strong ties with the international community, increasingly taking advantage of international pressure on the regime. On the domestic front, organisations began to collaborate closely with opposition parties and professional syndicates, demonstrated most clearly in their resistance to the press law (Law 95/1995) and their campaign for election monitoring in the 1995 People's Assembly poll. More dynamic human rights organisations increasingly turned to public-interest litigation as an effective means of challenging the regime.⁶⁰

In consequence, the regime began cracking down on the human rights movement as early as 1995, launching smear campaigns in the government press and deterring donor organisations from cooperating with local organisations. Beginning in 1998, the regime mounted a full-blown campaign to break the human rights movement after the EOHR published an extensive report on a horrific incident of sectarian violence in the village of Kosheh in the Sohag governorate in August. Not only did the report expose one of the worst cases of sectarian violence in Egypt—a taboo subject in and of itself—but it also revealed that hundreds of citizens had been tortured by State Security forces for weeks after the incident. In response to the report, Hafez Abu Saada, the organisation's secretary general, was summoned by State Security, interrogated, charged, and detained for six days before being released on bail. Abu Saada's interrogation was a warning to the human rights community that strong opposition and foreign funding would not be tolerated.⁶¹

The human rights defenders I interviewed agreed that the authorities have played a pivotal role in undermining and weakening the rights movement in Egypt. For example, Islam said:

The authorities successfully undermined popular support for the human rights movement in Egypt by attacking activists, defenders, and organisations in state-controlled media. This attack targeted two main fronts. First, the organisations were criticised for objecting to violations of the rights of people suspected of supporting armed Islamist groups, and government officials accused organisations of providing assistance and support to terrorists. The second line of attack focused on local organisations' foreign ties, especially their reliance on foreign funding. This

smear falsely cast Egyptian rights organisations as traitors to the national interest, which had a severe adverse impact on popular support for the rights movement.⁶²

Although the January 2011 uprising toppled the head of the regime, it ultimately failed to change the dominant economic and social institutions, and an unaccountable security apparatus again tightened its grip on civic and political life. After 2013, authoritarianism was back in full force, and many revolutionary leaders and activists with civil society organisations and social movements ended up in prison and faced constant security and judicial harassment. The army and security forces dominated the public sphere and the political process, with negative implications for civil society and human rights organisations in particular. The gains made by civil society and the human rights movement from 2011 to 2013 were rolled back, as the regime enacted laws and decrees—discussed in more detail below—designed to weaken civil society and bring it under full control. The authorities mounted media campaigns to discredit the opposition, initially focusing on the Muslim Brotherhood and then turning to the youth of the revolution and the human rights movement. This coincided with human rights violations unprecedented in scale and severity, including extrajudicial killings by security forces, systematic and appalling torture in places of detention, the prolonged, unlawful pretrial detention of thousands of people, enforced disappearance, and abuses in prisons.⁶³

In the final months of 2016, the government, working with the security establishment, froze the assets of at least six prominent human rights defenders and three human rights organisations. The same year, at least fifteen human rights activists were banned from travel, and others were summoned for questioning. These organisations and individuals faced charges of subverting state institutions and receiving foreign funds detrimental to national security.⁶⁴ NGOs suspected of belonging to or sympathising with the Muslim Brotherhood—which worked chiefly in development and social services—had already experienced a severe crackdown in 2014, when the government froze the assets of more than a thousand associations and their branches, some of which had provided health and education services to millions of people over many years.⁶⁵

2. Legal framework: Since its inception in the 1980s, the rights movement in Egypt has been involved in a legal struggle for existence with the authorities. The law on civic association has been amended several times since the 1960s, each time to tighten restrictions on association and the operation of civil society and human rights organisations. NGOs were subject to Law 32/1964, which prohibited civil society organisations from working on political and religious issues, and established a supervisory authority appointed by the government to review their finances and activities. Organisations were prohibited from obtaining funding from abroad or communicating with foreign organisations without state approval.⁶⁶ In early 1995, the legislative department of the Ministry of Justice issued a decree on the status of so-called civil companies, making them liable to prosecution unless they registered under the NGO law. Since it was founded, the EOHR has attempted to register under the law, but its application has been ignored. Since that time, government officials have often referred to local human rights groups as unlawful organisations.⁶⁷

In 1999, Law 153 regulating the activities of NGOs was enacted. The new law retained and increased the restrictions imposed by the 1964 law, prohibiting civil society organisations from engaging in any political activity that is the province of political parties, and any trade union activity that is the province of unions. Under the law, any organisation that ‘threatens national unity or infringes public order and morals’ was subject to dissolution. The new law also prohibited foreign funding—the primary resource and lifeline for most organisations—or contacts with foreign organisations without government approval.⁶⁸

The government enacted Law 84, its third law on civic associations, in 2002, affirming the limits placed on civic associations by the 1964 and 1999 laws. It prescribed heavy prison sentences for engaging in civic activity without the consent of the authorities and without registering under the new law, permitting the government to dissolve such organisations as well. As in the previous law, organisations were prohibited from engaging in political or trade union activity.⁶⁹ Several organisations sought to register as law firms or commercial enterprises to evade the law’s strictures. In 2003, the EIPR decided to register under the new law, but the Ministry of Social Solidarity repeatedly returned its application by mail, each time placing additional conditions on approval. After a six-month process, the organisation’s application was rejected, with no reason given. In early 2004, most of the organisations registered under the 2002 law were facing ministry objections to some of their programmes and/or suspension. Documents they received referred them directly to State Security, with which they interacted without an intermediary. In addition, the level of red tape involved in dealings with the authorities was deliberately intended to make any effective activity impossible.⁷⁰ As Nour said:

The 2002 law just reinforced previous laws aimed at obstructing the operation of organisations. As a result of the restrictions imposed by the law, many organisations were forced to register as law firms, commercial enterprises, or consulting firms instead of civic associations. There was a preference for the creation of informal organisations far from the control and restrictions of the ministry.⁷¹

The relaxed security environment and the opening of the public sphere that Egypt witnessed between 2011 and 2013 did not last. With the military in power, the government stepped up its legal battle with rights organisations. In July 2014, the Ministry of Social Solidarity issued an ultimatum calling on all NGOs to register under the 2002 law by November or face legal consequences, up to and including closure and prison sentences.⁷² International organisations began shuttering their offices in Egypt and moving to other countries. CIHRS also decided to relocate all its regional and international programmes abroad.⁷³

The same year, the government drafted a new, more repressive law on civic associations; it was passed by parliament in November 2016 and signed into law by the president on 29 May 2017. The law was in breach of a provision in the 2014 constitution—enacted by the military authority itself after seizing power—that conferred the right to form associations by notification, with no need for approval of the authorities. The law also allowed for administrative intervention in the

form of coordinating committees, which effectively give representatives of the Ministry of Interior and National Security a seat at every meeting of the boards of directors of non-governmental organisations. The committee was empowered to object to any donor or funding agreement for any NGO, or an NGO's activities. The law carried penalties of up to fifteen years imprisonment and fines of up to LE100,000. The law was indicative of the government drive to bring civic organisations fully to heel, transforming them from non-governmental organisations into quasi-governmental entities subordinate to the security and administrative apparatus, and turning the government into their de-facto director.⁷⁴ After international and local pressure, the law was amended to mitigate its restrictions somewhat; the amended law was issued as Law 149/2019.⁷⁵

Gehad, Zain, and Islam said that human rights organisations continue to resist restrictions and bureaucratic obstacles aimed at controlling them. 'Despite security's renewed grip and the return of state repression, the prosecution and security harassment of human rights defenders, and the threat of closure in the event of non-registration under the associations law', Gehad said, 'many associations continued to refuse registration, refusing to comply with legal restrictions and submit to the oversight of the Ministry of Social Solidarity'.⁷⁶ Nour confirmed this:

The state's continued abuse and prosecution of human rights defenders and the use of violence did affect the size and activities of human rights organisations operating inside Egypt. While organisations expanded their activities and events after 2011, these institutions were forced to curtail their activity and reduce staff after 2013 in the wake of a wave of intense repression and prosecution.⁷⁷

Endogenous factors

The failure of human rights organisations to establish a mass base and popular support, and thus their inability to unify and institutionalise the demands of the protest movement, cannot be attributed solely to state repression and the regulatory environment. In some periods, rights organisations operated in a climate of relatively low violence and arbitrary action by the authorities and thus enjoyed more latitude for action. For example, the period of 2011–2013 was a phase of political openness, in which the rights movement enjoyed freedom of action, but it did not successfully establish grassroots links with the public. In this section, I discuss internal challenges facing human rights organisations, most importantly foreign funding, internal governance, and the question of representation and accountability.

1. Foreign funding: The topic of foreign funding is one of the longest-running debates in the literature on NGOs, and specifically in Egypt. Many groups have been criticised for their dependence on foreign funding, and the international donor community has been blamed for the professionalisation of these organisations. NGOs in Egypt, especially those operating in the field of human rights, have faced criticism for their reliance on foreign funding, which subordinates their priorities and activities to the priorities and changing agendas of donors and thus undermines their sustainability and effectiveness.⁷⁸ Reliance on foreign funding also shifts responsibility for

accountability and agenda setting. Rather than being accountable to their communities and the groups they represent, organisations become accountable to donors, who may impose agendas or subjects that are ill-suited to the context in which organisations operate and are not responsive to grassroots needs.⁷⁹ In addition, foreign funding poses the risk of a clientelist or exploitative relationship that comes at the expense of organisations' sincere commitment to promoting the human rights agenda. The chief concern is that dependence on foreign funding will push these NGOs to adapt their structures, agendas, and programmes to the concerns of their funders, whether foreign governments or private institutions, rather than addressing genuine problems in their proper context.⁸⁰

These criticisms, however, do not take into account the regulatory framework that impedes domestic fundraising. Successive civic association laws since 1964 and the Ministry of Social Solidarity have placed several obstacles to hinder organisations' efforts to fundraise at home or abroad by collecting donations or organising exhibitions and public events. All these activities require prior approval and involve much red tape.⁸¹ Human rights organisations in particular have difficulty obtaining funding from local companies and businesspeople, who are reluctant to bankroll organisations that expose the state's violations of human rights, fearing repercussions for their companies. Moreover, potential local donors typically have strong relations with the state. Large companies seek to maintain amicable relations with ruling circles enmeshed in networks of corruption and patronage, and most of them are under the influence or control of the regime.⁸²

2. Internal governance: Human rights organisations face a number of internal governance problems, most importantly, the effectiveness of boards of directors and the lack of clearly defined roles and powers for executive directors and founders. Boards of directors face serious challenges. Prerogatives of the board and executive administration are often not clearly defined, allowing the executive to dominate and eclipse the board entirely. In some cases, no board of directors is formed at all. These problems may affect decision-making within institutions. The lack of distinction between executive and administrative responsibilities and powers closes off channels that allow for democratic, participatory decision-making, ultimately reproducing authoritarianism and exclusion within institutions ostensibly dedicated to confronting and fighting authoritarianism and oppression.⁸³

The defenders who gave interviews attribute some problems of the internal management of human rights organisations to state repression and the state's authoritarian attitude towards organisations and drive for control. Magd explains:

The state's desire to control and subordinate organisations through various laws spurred organisations to circumvent the law by registering as companies or law firms, whose legal structure does not require a board of directors. Even some organisations that have been willing to register under this repressive law have been denied approval and been forced to resort to the courts over the years to acquire the status of a registered association.⁸⁴

Finally, human rights organisations confront the question of the role and prerogatives of the executive director, especially given the weakness or absence of an effective board of directors. In such cases, the executive director commands extensive responsibilities and powers, and the organisation is controlled by a central group whose job titles and membership vary. Founders' prolonged tenure in the administration poses an additional challenge. As in most organisations, the human rights organisation begins as an initiative founded by an activist or a group of activists who do their utmost to develop and strengthen the organisation. Founders devote time and effort and take risks for the organisation, and they consequently stick with their organisations and retain a leading position in them. Even if they make a sincere decision to leave in pursuit of a personal career or academic ambitions, their organisations may have difficulties finding a replacement; in the absence of a board of directors, there is no clear mechanism for selecting a new president. Although some organisations have tried to empower staff members, authorising them to attend meetings with donors and stakeholders, the founders are still consulted for advice on positions and strategies that will enhance the organisation's cohesion.⁸⁵

3. Representation and accountability: The accountability of NGOs, and human rights organisations in particular, is an important issue; it is vital to establish forms and mechanisms of accountability to the constituencies and groups whose rights they purportedly defend, which in the case of human rights organisations, is typically victims and survivors of human rights violations. The Egyptian human rights movement has shown concern for issues of representation and accountability to its constituencies since its founding. In fact, EOHR split over a heated dispute on these very issues: representation and legitimacy. Some within the group advocated a broad-based organisation to mobilise the public and integrate human rights into the popular struggle, while other activists defended a closed, professional organisation.⁸⁶

Although most human rights organisations in Egypt are closed, professional organisations based on expertise, they have been able to build relationships with a number of constituencies through activities and programmes for litigation, legal aid, advocacy, capacity building, summer training for students, etc. Over time, human rights organisations and defenders have been able to connect with networks of workers, students, women, and victims of torture and detention and their families,⁸⁷ but these latter groups cannot easily hold organisations accountable because they lack the channels and capacity to do so.⁸⁸

In this context, Gehad and Zain disagreed on another issue related to representation. Gehad explains:

The type of issues that institutions work on is divided into several axes. First, institutions may address issues that do not represent the needs of the public and do not reflect the actual political and social reality, and they may devote resources, activities, and events to them. The other problem is that some rights defenders are selective about the causes they champion. Some refuse to work on certain issues based on the political or sexual identity of victims. For example, there was a debate

among human rights organisations and defenders over the defence of members of the Muslim Brotherhood after the state crackdown on them after 2013. Some may also refuse to represent and defend members of the LGBT community due to social and cultural considerations.⁸⁹

In contrast, Zain asserts: ‘The human rights community in Egypt does not face serious problems related to representation or selectivity in victims of human rights violations. For example, human rights organisations addressed the various state violations committed against the Muslim Brotherhood after the power seizure, issuing statements condemning violations and the security crackdown, providing legal and research support, and attempting to expose violations’.⁹⁰

These structural and internal challenges affected the relationship between the human rights movement and the protest movement. State repression and arbitrary actions and the state’s desire to control non-governmental organisations through NGO laws have hemmed in and undermined the human rights movement and its capacity to operate and reach out to the public and various political actors. In addition, endogenous challenges have affected the way organisations operate. Professionalisation has led to the separation between rights and a focus on issues that have no grassroots purchase. Moreover, funding sources for advocacy organisations can have a crucial impact on their credibility in the eyes of those they ostensibly support, and since most funding is foreign, it raises political, and possibly legal, questions. Finally, the professionalisation of human rights organisations has changed their identity, creating a gulf between the interests and visions of the organisations and the marginalised and lower classes they represent. Some organisations claim to represent these classes without engaging and establishing real, sustainable links with them and without giving them an opportunity to express themselves and articulate their needs, which has fostered alienation and clientelism.⁹¹

These factors combined are the most important reasons for the failure of the human rights movement in Egypt to build a mass, grassroots base and play a mediating role to help unite the protest movement and institutionalise its parochial, narrow demands, while also giving it the necessary frameworks to effectively achieve change. This contributed, in part, to the resurgence of authoritarianism after 2013.

Conclusion

The study concluded that the Egyptian human rights movement has evolved and expanded over the four decades since its inception, broadening the rights and constituencies it addresses and developing the mechanisms it uses to defend human rights. The protest movement began to take shape and became active at the turn of the millennium, but it lacked the capacity to exert influence and force change. Despite its growing momentum, the movement was fragmented, advanced piecemeal, factional demands, and lacked leadership and an organisational framework. The relationship between the two movements was limited; the human rights movement failed to establish deep ties with the protest movement, which remained a head without a body. This is

attributable to several structural factors; namely state repression and the crackdown on the human rights movement, its activities, and its engagement with various parties; and the legal framework, which sought to cripple the movement by imposing draconian restrictions on the operation of organisations, their access to funding, and their outreach to local and international bodies. The paper also discussed a number of endogenous factors internal to the movement itself, most importantly the reliance on foreign funding, the inadequate role of boards of directors, the lack of clarity about the prerogatives of executive directors and founders' tendency to play a long-term role in management, and the question of representation and accountability.

These challenges affected the relationship between the human rights and protest movements in several ways. State security and legal repression limited the activities of organisations and their ability to engage and network with grassroots bases, while internal challenges affected the way organisations themselves operated. These factors were key reasons for the failure of the Egyptian human rights movement to play the role of mediator in order to help the protest movement unify and institutionalise its narrow demands. This in turn contributed to the resurgence of authoritarianism after 2013.

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This article is originally written in Arabic for Rowaq Arabi.

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