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EGYPT – PROFILE OF ASYLUM CLAIMS AND COUNTRY CONDITIONS

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I. INTRODUCTION

Country conditions profiles are produced by the Department of State's Office of Country Reports and Asylum Affairs for use by the Executive Office of Immigration Review and the Department of Homeland Security in assessing asylum claims. By regulation, the Department of State may provide information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of these profiles is to provide general factual information relating to such conditions. They do not relate to particular asylum claims but instead provide country condition information as of the date drafted.

Profiles are prepared by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate. Adjudicators may also wish to review the applicable chapter of the Department of State's annual Country Reports on Human Rights Practices on line at: www.state.gov/g/drl/rls/hrrpt/2003/, International Religious Freedom Report www.state.gov/g/drl/irf/2003/ and other publicly available material on conditions in this country.

II. CONTEXT AND OVERVIEW

A. Historical Context

The following paragraphs are offered to provide context for the comments in subsequent sections.

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. The President is Hosni Mubarak, who was reelected unopposed to a fourth 6-year term by a national referendum in September 1999. As stipulated by the Constitution, the People's Assembly nominates a candidate who then goes before the electorate in a yes-no referendum. The President appoints the Cabinet, which is responsible to him, and the country's 26 governors. Mubarak's party, the National Democratic Party (NDP), has governed since its establishment in 1978 and it continues to dominate national politics and maintain a vast majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. The judiciary is independent.

The current parliament was elected in 2000 and has a five-year mandate. Although Egypt's party law forbids the Muslim Brotherhood from having an official party, there are 20 nonaligned independents and 17 other members of parliament (MPs) who are affiliated with the Muslim Brotherhood.

Several security services fall under the Ministry of Interior, two of which are primarily involved in combating terrorism: the State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees; and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations, and conducts paramilitary operations against terrorists. There are credible reports that both security forces have committed numerous human rights abuses in the past, and human rights groups believe both continue to employ torture. A 2001 report released by the UN Special Rapporteur on Torture concluded that, "torture is systematically practiced by the security forces in Egypt, in particular by the State Security Intelligence."

Egypt has continued to move from a command economy to a free market system. The agricultural sector, employing the largest number of persons, is almost entirely privately controlled. The tourism sector generates the largest source of foreign currency earnings, followed by petroleum exports, Suez Canal revenues, and remittances from approximately 2 million Egyptians working abroad. Over the past ten years, the Government has enacted significant economic reforms, which have reduced the budget deficit and interest rates and developed substantial reserves. With a population growth rate of 1.69 percent (2001 estimate), and an unemployment rate of 11.5 percent (2000 estimate), the economy is stronger than it has been in previous years but is still considered weak.

The Emergency Law, which has been in effect since 1981 and was renewed for another three years as of 2003, continues to restrict many basic rights. Citing terrorism, security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. The government announced several reforms in 2003, including the abolition of sentences to hard labor, the establishment of a national human rights council, and the dissolution of state security courts (although emergency courts were preserved). The net effect of these reforms on the human rights situation was still unclear at the end of 2003.

B. Human Rights Situation

The Government's human rights record has been generally poor, although its record has somewhat improved over previous years in areas such as extrajudicial killings, deaths from torture, and disciplinary actions taken against officers involved in deaths from torture. However, the Government's record remained poor with respect to violations of freedom of expression, association, and assembly; freedom from torture; widespread arrests of government opponents and prolonged detentions under state of emergency laws, and trials before military and emergency courts in which defendants are accorded few rights.

The Government has used the Emergency Law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government places restrictions on freedom of the press and significantly restricts freedom of assembly and association.

In some cases involving allegations of terrorism, the government may try civilian defendants before military courts. Most such instances have involved Islamists. Islamists advocate government based on Islamic principles and structures as discussed in the Qur'an and the Sunna – (the sayings and habits of the Prophet Muhammad). Human rights groups condemned the decision to try civilians in military courts for which there is no right of appeal. The government has also prosecuted people in criminal and occasionally in exceptional courts, on the basis of sexual orientation usually charging them with debauchery or "insulting a heavenly religion" (see Section c.2.).

The Government also places restrictions on freedom of religion. Although Islam is the official state religion, the Government also recognizes Christianity and Judaism. Christians, as well as Egypt's tiny Jewish community, are generally allowed to worship without restrictions. Christians also face societal discrimination and in some aspects of the law. Both Christians and Muslims practice female genital mutilation (FGM). While the Government made some improvements in the promotion and protection of religious freedom, persons accused of propagating religious beliefs deemed unorthodox may be prosecuted under Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. (The

GOE defines "heavenly religions" as Judaism, Christianity, and Islam). Baha'is, Mormons, Jehovah's Witnesses, Seventh Day Adventists are among these groups unrecognized by the Government.

Domestic violence against women is a problem. Although the Government has banned the practice of FGM, many families continue subjecting their daughters to the traditional practice. More detailed information on the human rights situation in Egypt may be found in the Department's latest Country Report on Human Rights practices.

Committee Against Torture (CAT)

In November 2002, three domestic human rights associations, as well as two international organizations, presented their allegations and findings to the Committee Against Torture (CAT), a subcommittee of the U.N. Commission on Human Rights. The CAT report expressed concerns about the continued implementation of the state of emergency, consistent reports of torture and ill treatment, abuse of juveniles and homosexuals, the continued use of administrative detention, the lack of access by victims of torture to the courts and lengthy proceedings, in addition to disparities in the awarding of compensation.

III. CLAIMS AND RELEVANT COUNTRY CONDITIONS

A. Claims on account of Political Opinion

Egyptian claimants for political asylum frequently assert that they are unable to express their anti-government political views or to participate in the political process in contemporary Egypt. A number claim membership in the Muslim Brotherhood (Al-Ikhwan Al-Muslimoon) and assert that the Egyptian authorities persecute members of this "fundamentalist" organization and thwart even non-violent political activity. While the Muslim Brotherhood is technically an illegal organization, it has generally been allowed to operate within certain parameters. However, the government regularly arrests and prosecutes Muslim Brotherhood members involved in political activities. The Government maintains that such activities are in violation of the law and the Constitution, which prohibit political parties based on religion.

In 2001, security forces arrested at least 243 members of the Muslim Brotherhood.

In addition to Islamists, the government also monitors and occasionally arrests leftists for their political activities. In September 2003, the Government charged five leftist anti-war activists, including Ashraf Ibrahim, detained since April, with subversion and referred them to trial in an emergency court. The specific charges included "communicating with foreign human rights organizations," "spreading false information about Egypt abroad, and membership in a banned "revolutionary socialist group."

The credibility of assertions made by Egyptian political asylum applicants regarding restrictions on their political activity should be assessed in light of the fact that there are 16 recognized opposition parties in Egypt.

Furthermore, while most major dailies are government owned and generally follow the government line, criticism of government policies is frequently found in both the government-owned and independent press. Opposition political parties publish their own papers but some

receive subsidies from the Government and, in some cases, subsidies from foreign interests as well. Most are weeklies, with the exception of the dailies *al-Wafd* and *al-Ahram*, both of which have small circulations. Opposition newspapers frequently publish strident criticism of the Government. Direct criticism of the President and his family is not tolerated. The Government occasionally files criminal charges in cases involving allegations of libel and slander. Opposition papers also give greater prominence to human rights abuses than the state-run newspapers. All party newspapers are required by law to reflect the platform of their party.

B. Claims on Account of Religion

Egypt's constitution provides for freedom of belief and the practice of religious rites. For the most part, members of the non-Muslim minorities worship without harassment and maintain links with co-religionists abroad. However, some minorities, such as Baha'is and Jehovah's Witnesses, have been jailed for their religious beliefs in the past five years. Christians may face social discrimination and are underrepresented in elite government positions.

Additionally, Christians have been targeted in the past in inter-communal violence. On February 28, 2003, the retrial of 95 defendants tried in connection with the January 2000 violence, which left 21 Christians and one Muslim dead in the village of Al-Kush, ended with the acquittal of 93 and the conviction of 2. Of the three convicted, one Muslim defendant was found guilty of killing the sole Muslim victim (mistaken for a Christian), and sentenced to 15 years in prison. Another Muslim defendant was judged an accomplice and sentenced to three years. Charges against a third deceased defendant were dropped. The outcome of the trial, was criticized because it failed to find anyone accountable for the deaths of the 21 Christians. On March 13, 2003, the Egyptian Office of the Public Prosecutor, unsatisfied with the failure to hold any one responsible for the deaths of the Christians, appealed the case to the Court of Cassation.

While theoretically proselytizing or conversion is not a crime, authorities have charged a few Muslim converts to Christianity under provisions of the Penal Code that prohibit citizens from ridiculing or insulting heavenly religions or igniting strife. In May 2002, five Seventh-day Adventists were briefly detained in Cairo on suspicion of distributing pamphlets deemed insulting to the Roman Catholic Church. In other cases, authorities have used laws against falsifying documents to prosecute Muslim converts to Christianity, since such persons sometimes alter their names and religious affiliation on their identification cards and other official documentation to reflect their conversion. In one such instance, in December 2002, a converted Christian couple was arrested at Cairo airport on suspicion of altering their official identity documents. They remained in custody as of October 2003. Some observers charge that the government has stepped up in recent years prosecutions of converts from Islam to Christianity, mainly for forgery.

An 1856 Ottoman decree still in force requires non-Muslims to obtain what is now a presidential decree to build or repair a place of worship. Despite the approved permits, Christians maintain that they have frequently been unable to obtain such authorization, that such permits have been delayed, or that they have been blocked by the security forces from using authorizations that have been issued. The difficulty of obtaining and implementing church building permits, and the government's strict enforcement of the rules (in contrast to the construction of mosques) is one of the Christian community's principal grievances.

Coptic Christians

A large number of Egyptian applicants for political asylum are Coptic Orthodox Christians who assert that they have been targeted for threats or violence by Muslim extremists and/or that they face persecution at the hands of the Egyptian authorities because they are members of a Christian minority in a Muslim state. Approximately 8 to 10 percent of Egypt's population belong to the Coptic Orthodox Church, the largest Christian minority in the Middle East. Coptic Christians face discrimination in some areas. They are underrepresented in high-level government positions, they face many bureaucratic regulations and obstructions in managing their facilities and there have been instances of societal violence directed at Copts. However, the Government does not target Coptic Orthodox Christians or other "mainstream" denominations for arrest or prosecution on the basis of their religious beliefs. Senior government officials, including the President, regularly make public gestures of respect for the Christian community. In December 2002, President Mubarak designated January 7, Coptic Christmas, a national holiday.

Christian converts from Islam fall into a separate category and may be subject to surveillance and harassment by the Government or arrest and prosecution if they alter their identity documents. (Though there is no legal prohibition on conversion from Islam to Christianity, the Government does not recognize such conversions.)

There were reports of forced conversions of Coptic girls to Islam, but human rights groups find it extremely difficult to determine the actual degree of compulsion used, as most cases involve a Coptic girl converting to Islam to marry a Muslim boy. There are credible reports of government harassment of Christian families attempting to regain custody of their daughters, and of the failure of the authorities to uphold the law prohibiting marriages of minors without the approval of the guardian.

Under Islamic law, non-Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men.

C. Claims Based on Social Group Membership

1. Women

Domestic violence against women is a significant problem. According to some studies, one of every three women who have ever been married has been beaten at least once during marriage. Spousal abuse is grounds for divorce; however, the law requires the plaintiff to produce eyewitnesses, a difficult condition to meet. In January 2000, the Parliament passed a new Personal Status Law that made it easier for a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego alimony and the return of her dowry.

Female genital mutilation (FGM), which is condemned by international health experts as damaging to both physical and psychological health, is common despite the Government's commitment to eradicating the practice. The practice was banned by a 1996 Ministerial Decree, except for medical reasons certified by the head of a hospital obstetric department. Nevertheless, it remains widespread. Traditional and family pressures in support of the practice remain strong. A study conducted in 2000 estimates that 97 percent of married Egyptian women between the ages of 15 and 49 have undergone some form of FGM.

The Government currently is cooperating with international organizations and local NGOs in new initiatives to combat the practice at the village level. In addition, the Government

broadcasts television programs condemning the practice, and a number of NGOs work actively to educate the public regarding the health hazards of the practice. A discussion of FGM and its dangers has been added to the curriculum of the school system.

Many Egyptians believe FGM to be required or encouraged by their religion despite proclamations by the Sheikh of al-Azhar, the most senior Muslim leader in the country, and Pope Shenouda, the leader of the Coptic Orthodox community, that FGM is not required by Islamic or Christian tenets.

2. Homosexuals

The Government of Egypt has prosecuted people on the basis of their alleged sexual orientation. In recent years, there have been mass arrests and mass trials of persons accused of homosexual activity. The Government has also targeted homosexuals by entrapping them in Internet sting operations. There have been at least 29 such cases since 2001. In trials of homosexuals, the proceedings have often appeared to deny defendants due process and there have been instances in which normal procedure and evidentiary standards appear to have been ignored. However, many such cases are overturned on appeal. Attorneys for 52 allegedly homosexual men, arrested in 2001 and charged with debauchery and "insulting a heavenly religion," claimed that their clients were abused physically during the initial days of their detention, and that several had confessed under torture. In 2003 defendants in other cases involving homosexuality also claimed that they were tortured in order to extract confessions to the charge of "debauchery".

D. Claims on account of Nationality/Ethnic Origin

In our review of political asylum applicants from Egypt thus far we have seen no claims based specifically on nationality or ethnic origin.

E. Claims on account of Race

In our review of political asylum applicants from Egypt thus far we have seen no claims based specifically on nationality or ethnic origin.

IV. Other Considerations for Adjudicators

The government permits citizens and foreigners freedom of travel within the country, except in certain military areas. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women generally are no longer legally required to get the same permission from their husbands, however, in practice, police still require such permission. Citizens who leave the country have a right to return.

Egypt has a population of approximately 69 million people. The tourism sector generates the largest amount of foreign currency. Other principal sources of foreign currency come from approximately 2 million citizens working abroad. 2004 Egyptian Government estimates put inflation at approximately 5 percent, private estimates put the actual number closer to 15 percent. Most Egyptians are employed in the agricultural sector, which is almost entirely privately owned.

The total estimated long-term illegal alien population from the Middle East in the U.S. exceeds 100,000.

APPENDIX IFACT SHEET

OFFICIAL NAME: Arab Republic of Egypt

AREA: 1,001,450 sq. km

POPULATION: 69,536,644 (July 2001 est.)

POPULATION GROWTH RATE: 1.69% (2001 est.)

NET MIGRATION RATE: -0.24 migrant(s)/1,000 population (2001 est.)

LIFE EXPECTANCY AT BIRTH: 63.69 years

LITERACY: 51.4%

ETHNIC GROUPS: -Eastern Hamitic stock (Egyptians, Bedouins, and Berbers) 99%
-Greek, Nubian, Armenian, other European (primarily Italian and French): 1%

LEGAL SYSTEM: Based on English common law, Islamic law, and Napoleonic codes; judicial review by Supreme Court and Council of State; accepts compulsory ICJ jurisdiction, with reservations

GDP PER CAPITA: \$1,400 (2001 est.)

POPULATION BELOW POVERTY LINE: 22.9% (FY95/96 est.)

Source: CIA Factbook

APPENDIX II

List of recognized political parties in Egypt

1. The New Wafd Party
2. The National Progressive Unionist Grouping Party (NPUGP)
3. The Labor Party
4. The Liberal Party
5. The Arab Democratic Party
6. The Egyptian Green Party
7. The Umma Party

8. Misr Al Fatah (Young Egypt) Party
9. Egypt Arab Socialist Party
10. Al Takaful Party
11. The Democratic People's Party
12. The Democratic Unionist Party
13. The Social Justice Party
14. The National Détente (Al Wifak) Party
15. Misr 2000 Party
16. El-Geel (The Generation) Party