



DEMOCRACY AND CITIZENSHIP IN NORTH  
AFRICA AFTER THE ARAB AWAKENING:  
CHALLENGES FOR EU AND US FOREIGN POLICY  
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**CITIZENSHIP IN POST-AWAKENING EGYPT:  
POWER SHIFTS AND CONFLICTING PERCEPTIONS**

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## INTRODUCTION

The struggle over citizenship rights has switched between different routes in the past three years. Since Hosni Mubarak's fall, Egypt has followed three major political trajectories, and the changing political configuration under each of them has influenced the evolution of citizenship rights. This evolution has not been a linear progression and the main political actors' discourses on rights have shifted significantly.

This report links Egypt's shifting political phases to debates more specifically about citizenship rights. It offers a general overview of Egypt's recent political trajectory, before unpacking the various dimensions of debates over citizenship rights. In each of the three political phases since Mubarak's ousting, citizenship rights have been curtailed. Crucially, the reasons for their constriction have been different in each phase. Some limitations have derived from largely political power plays, others from more philosophical-theological factors. It is important to distinguish between these different forms of debate if we are better to understand prospects for the future of citizenship rights in Egypt.

The military led the first transitional phase and achieved a rapprochement with Islamists over the transitional roadmap while marginalising liberal forces. The lack of consensus between Islamists and liberals on key transitional issues, including the scope of rights, intensified the polarisation between the two camps, which has continued until today. Political participation, the right to establish political parties and media freedoms flourished in this phase but were still subject to certain limitations. The improvement of the rights of religious minorities, the rights of women and the status of human rights defenders was obstructed.

Drawing on their organisational advantage and long grassroots activism, the Muslim Brotherhood (MB) and its Islamist allies were able to lead the second transitional phase. They controlled the constitution-drafting process and dominated the executive and legislature, but the Muslim Brotherhood's rule ended dramatically after President Morsi was deposed by the military following massive popular unrest. Citizenship rights were severely restricted under Islamists and even those political rights that flourished after the revolution were jeopardised. The military, liberal forces and the official Islamic and Christian establishments sponsored a new transitional roadmap with the participation of the Salafist al-Nour Party, which, despite being absent from the protests against Morsi, distanced itself from the Muslim Brotherhood and joined the new transitional process. The Muslim Brotherhood and its allies have boycotted this process. They have also been the target of an aggressive crackdown and criminal trials.

The military's powers, autonomy and popularity have expanded in the post-Morsi era. There have been conflicting signals regarding the state of citizenship in this phase. While the draft of the new constitution has removed some of the limitations imposed under the Muslim Brotherhood, respect for rights has seriously deteriorated in the context of the security confrontation between Islamists and the military. Moreover, the contingent and heterogeneous nature of the political alliance that led to Morsi's removal has created immense challenges for those political actors who struggle to expand citizenship rights. Although, on balance, the new draft constitution presented to president Adly Mansour on 3 December 2013<sup>1</sup> can be viewed as a positive development in citizenship rights

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<sup>1</sup> The constitution will be put to public referendum in January 2014. The document is available in Arabic at <<http://www1.youm7.com/News.asp?NewsID=1374102#.Up3FSxZxu8C>>.

broadly defined, observers differ over the extent to which the new constitution will promote rights or social and economic justice in reality.<sup>2</sup>

## CITIZENSHIP AND THE CHANGING POLITICAL LANDSCAPE: FROM JANUARY 2011 TO THE POST-MORSI DEBATE

Since the uprising of 25 January, political activism in Egypt has witnessed an unprecedented revival. Citizens could freely establish political parties with fewer restrictions. However, the political scene was soon sharply polarised between, on one hand, liberals and leftists, together known as civil forces, and Islamists on the other. The primary point of disagreement revolved around each camp's view of citizenship rights. Islamist parties scored dazzling successes in general elections and also managed to inflame political differences to varying degrees with civil forces, which did less well in the parliamentary elections and failed to win the seats necessary to influence legislation. Civil forces ascribed their electoral failure to their unfamiliarity with political contestation, compared to the Muslim Brotherhood, whose long experience with elections and its grassroots networks helped it and its allies to win a parliamentary majority. While Islamist parties consistently stressed their popularity and their ability to influence and speak for the masses, civil parties and religious minorities felt they were battling against attempts by Islamists to establish a theocratic state that would subvert aspirations for freedom, justice and equality.

In March 2011, the Muslim Brotherhood and Salafists turned the dispute over the constitutional amendments into a battle to protect Islam from the dangers of civil/secular forces. Civil forces proved unable to sway the majority of citizens, who approved the amendments, which the Muslim Brotherhood and Salafists considered a victory for the roadmap devised by the Islamists in concert with the Supreme Council of the Armed Forces (SCAF).<sup>3</sup> The Muslim Brotherhood adopted a domineering attitude towards civil political forces after the referendum on the constitutional amendments, seeing its vision as an expression of the popular will and that of its opponents as the demands of a smattering of weak political forces that were defeated in the battle over the amendments. The promises of consensus made by the Muslim Brotherhood in the early days of the revolution were soon forgotten, replaced by condescension and a desire for unilateral power. The Islamist forces' biggest win was the stipulation in the roadmap that parliamentary elections precede the drafting of a new constitution. The roadmap also gave the party that won a parliamentary majority the right to form the constituent assembly, which civil forces read as presaging a major setback of the revolution amid growing fears of the rise of political Islam. These forces were better equipped than others to compete in, and win, elections and therefore influence the status of liberties and human rights.

In an attempt to reach a compromise to end the conflict over the order of constitution-drafting and elections and bring stability to politics in the country, several public figures, political groups and civil society organisations drafted documents endorsing the idea of 'supra-constitutional principles'; these were designed to provide guarantees for rights, liberties, democracy and the civil state prior to elections and would be binding on the constituent assembly when drafting the constitution. Islamists met this proposal with a fierce counter-campaign. Amongst their principal criticism of

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<sup>2</sup> Ali, R. "Inside Egypt's Draft Constitution: questions over social justice." 13 December 2013, Ahram Online. Available at <<http://english.ahram.org.eg/News/88630.aspx>>.

<sup>3</sup>The SCAF formed a committee to draft the constitutional amendments which included lawyer Sobhi Saleh, a prominent Muslim Brother and leader in the Freedom and Justice Party, and judge Tareq al-Bishri, who is close to the Brotherhood. The committee included no representatives from any other political party, a fact seen by civil forces as the sign of a military-Islamist alliance.

supra-constitutional principles was the explicit statement in all proposed documents that the constitution respect international human rights conventions and uphold full equality among citizens. In a public statement, the Freedom and Justice Party (FJP) stated that ‘these principles are subordinated to interpretations in international human rights declarations, which makes a constitutional text subordinate to international conventions, most of which conform to Western views and many of which have been the object of reservations lodged by successive Egyptian governments’.<sup>4</sup>

Despite these objections, the documents did not advocate removing the constitutional text making the principles of Islamic law the primary source of legislation. Most of the documents retained this provision but at the same time they advocated constitutional guarantees for basic liberties and human rights.<sup>5</sup> Islamists’ refusal to reach a consensus with non-Islamists on the constitution raised doubts and fears among civil forces that the new constitution, which might be written by an Islamist majority, would maximise partisan political interests and constitute a setback for rights and liberties.

Notably, various political forces, including Islamists, accepted al-Azhar’s document on basic freedoms as general future guidelines. The language used in this document opened the door to restrictions on human rights based on vague Islamic qualifications. That is why a prominent leader in the Muslim Brotherhood stated that ‘the content of the document is exactly what the Islamists are saying.’<sup>6</sup> Liberal forces also supported al-Azhar’s document. Counting on the fact that the current leadership of al-Azhar was in open disagreement with Islamists, particularly the Muslim Brotherhood, they believed they could use it to build a broad coalition to respond to expected threats from Islamist parties during the drafting of the new constitution. The al-Azhar document thus won support from key political parties such as the liberal al-Wafd, the Free Egyptians,<sup>7</sup> the leftist al-Tagammu<sup>8</sup> and the Egyptian Social Democratic Party,<sup>9</sup> as well as several political figures and movements aligned with the civil camp.<sup>10</sup> In offering their support, these parties essentially invited a religious institution and the religion it represents into politics, implicitly deeming this institution an authority acceptable to all.

The SCAF, which ran the country’s affairs following Mubarak’s removal, had no objection to the supra-constitutional principles and even attempted to exploit the idea in the so-called Silmi Document, named after the deputy prime minister, to push through articles giving the army and its leadership a privileged position in the constitution, thus reconfiguring military-civil relations. Islamist forces and some liberals rejected the Silmi Document, objecting to the preferential treatment given to the army and organising large demonstrations in Tahrir Square in protest.<sup>11</sup> But in the 2012 constitution, Islamists forces, which dominated the constituent assembly, granted the

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<sup>4</sup> Statement by the Freedom and Justice Party, 6 September 2011. Available at:

[http://www.hurryh.com/ar\\_print.aspx?print\\_ID=2308](http://www.hurryh.com/ar_print.aspx?print_ID=2308)

<sup>5</sup> See Shukr. ‘A, “Hal al-Mabadi’ Fawq al-Dusturiyya hiya al-Hall?” in al-Rahman. ‘A. (ed.), *Tahaddiyat al-Tahawul al-Diyumuqrati fi Misr*. Cairo: CIHRS, 2012.

<sup>6</sup> In a discussion of the al-Azhar document on Hurra TV, Abd al-Rahman al-Barr, a member of the MB Guidance Bureau, said that the MB supported the document and supported Azhar’s bans and confiscations of numerous literary and creative works. He opined that al-Azhar has the right to consider ‘a particular idea’s compatibility with Islamic law or lack thereof, as al-Azhar is the guardian of this law and authorized legally and constitutionally to guard Islamic law’. Al-Barr also voiced support for al-Azhar’s confiscation of intellectual works that adopt views at odds with prevailing religious views and interpretations. View the discussion at <<http://www.youtube.com/watch?v=ZXOG6c9WNkI>>.

<sup>7</sup> “Al-Misriyin al-Ahrar Yu’ayyid Wathiqat al-Azhar,” al-Wafd online, 17 Aug. 2011.

<sup>8</sup> “Hizb al-Tagammu’ Yu’lin Ta’yiduh li-Wathiqat al-Azhar,” al-Shorouk, 21 June 2011.

<sup>9</sup> ESDP statement,

<[http://www.egysdp.com/site/index.php?option=com\\_content&view=article&id=254:2011-06-25-10-40-57&catid=65:2011-05-02-19-57-25&Itemid=202](http://www.egysdp.com/site/index.php?option=com_content&view=article&id=254:2011-06-25-10-40-57&catid=65:2011-05-02-19-57-25&Itemid=202)>.

<sup>10</sup> “Muwafaqa bil-Ijma’ ‘Ala Wathiqat al-Azhar,” al-Ahram, 18 Aug. 2011.

<sup>11</sup> “Al-Ikhwan al-Muslimin Tusharik fi Milyuniyya 18 November,” al-Shorouk, 13 Nov. 2011,

<<http://shorouknews.com/news/view.aspx?cdate=13112011&id=7f3facf1-ca11-4336-a1ad-231b88c894ea>>.

army certain privileges to gain its support, including giving the military autonomy over its budget and expanding the jurisdiction of military justice to prosecute civilians.<sup>12</sup>

Just as they had turned to al-Azhar for support in the face of Islamist parties, some civil parties pushed for the adoption of the Silmi Document to counter the influence of Islamists.<sup>13</sup> But these attempts flopped in the face of the growing revolutionary momentum at the time, particularly amongst young people, who were sharply opposed to the SCAF because of its alliance with the Brotherhood during the constitutional amendment crisis and the on-going human rights violations, for which they held the SCAF responsible.<sup>14</sup> At the same time, Mohamed ElBaradei declared his rejection of the Silmi Document, which he believed gave the military an exceptional position in the political order that set it above the state.<sup>15</sup>

After the parliamentary elections ended in January 2012, a power struggle ensued between the military and the Muslim Brotherhood. The vagueness of the March 2011 constitutional declaration enabled the SCAF to weaken the newly elected Islamist-dominated parliament and preserve its own ability to disrupt political processes it did not approve of. A controversial ruling by the Supreme Constitutional Court (SCC) on 14 June 2012 led to the dissolution of the parliament and allowed the SCAF to unilaterally amend the constitutional declaration to elevate itself above all public bodies. Moreover, an addendum of 18 June stripped the elected president of his powers over the military and endowed the SCAF with the power to veto the new constitution and appoint a new constituent assembly. In a sudden and unexpected response to SCAF's increasing power grab, on 12 August, President Morsi removed top military leader Field Marshal Tantawi, commander-in-chief of the armed forces and minister of defence, alongside his chief of staff, Lieutenant General Sami Anan, and other senior military leaders. He also nullified the SCAF's addendum to the constitutional declaration and replaced it with new amendments, which gave the president full power over the military.

After achieving power, Egyptian Islamists were far more concerned with securing an important place in the emerging regime than with working with other political forces to consolidate the transition to democracy. Even more worryingly, many of their actions raised doubts about their genuine commitment to democracy and the rule of law. President Morsi succeeded in asserting his power over the military,<sup>16</sup> but no reforms were proposed to avoid the politicisation of the army. The Muslim Brotherhood dominated state-owned media and used Mubarak's press law to silence journalists. Moreover, the Egyptian judiciary was subjected to flagrant attempts to control its oversight of the executive and legislature. President Morsi confronted the Supreme Constitutional Court (SCC) and circumvented its judgment on the dissolution of the parliament, and he unilaterally issued a constitutional declaration on 22 November 2012 that gave his actions immunity from judicial review. The declaration allowed him to dismiss the general prosecutor and appoint a new one selected by him. When the SCC refused to submit to the president, Islamists besieged the headquarters of the court and prevented its judges from entering, in an attempt to obstruct potential judgments on the constitutionality of the upper house of parliament and the law regulating the

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<sup>12</sup> Saad, Ragab, "Egypt's New Constitution: Entrenched Despotism," <<http://www.atlanticcouncil.org/blogs/egyptsource/egypts-new-constitution-entrenched-despotism>>.

<sup>13</sup> "Al-Quwa al-Siyasiya wa Ta'dilat Wathiqat Silmi: Tarhib wa Rafd wa Tahaffuzat wa Hadhf Kalimat 'Madaniya' Tuthir al-Tasa'ulat," al-Ahram, 19 Nov. 2011, <<http://gate.ahram.org.eg/News/139045.aspx>>.

<sup>14</sup> In early October 2011, Lt. Gen. Sami Anan, then military chief of staff, met with several political parties, both civil and Islamist. The meeting ended with party representatives signing a document supporting the SCAF, lauding its protection of the revolution and the rotation of power, and stressing the need to adopt supra-constitutional principles binding on the constituent assembly. The meeting sparked a storm of criticism that led most parties to retract their endorsement of the document.

<sup>15</sup> "Al-Baradi'i: Ishabu Wathiqat al-Silmi al-Mushawwaha, al-Jaysh lan Yakun Dawla Fawq al-Dawla," al-Masry al-Youm, 2 Nov. 2011, <<http://www.almasryalyoum.com/node/511212>>.

<sup>16</sup> See El Fegierey, M., "Crunch Time for Egypt's Civil-Military Relations," FRIDE Policy Brief, 14 Aug. 2012, <<http://www.fride.org/publication/1054/crunch-time-for-egypt-s-civil-military-relations>>.

constituent assembly. In the name of reforming the judiciary, President Morsi and the Muslim Brotherhood sought to stifle the powers of the SCC, and Islamists used the 2012 constitution as an opportunity to achieve this goal. Article 233 reduced the number of judges in the SCC from 17 to 11, leading to the removal of its six newest members from the bench. Article 176 gave the authority to nominate the SCC's judges to various judicial and non-judicial organs and provided for their appointment by presidential decree; prior to this, the SCC general assembly approved the appointment of its members and president. The new system therefore allowed the government to restructure the composition of the court. Moreover, a new law regulating the court was drafted with the potential to circumscribe its jurisdiction. This attack on the judiciary was not an attempt at judicial reform, as claimed by the president and his supporters, but rather actions to instrumentalise the judiciary in order to serve political goals.

The 2012 constitution was passed in a climate of intense political and legal disputes. From the beginning of the constitution-making process in early 2012, non-Islamist forces protested the non-representative constituent assembly. Although the judiciary dissolved the first assembly for certain defects in its membership, Islamists and their political allies also dominated the second constituent assembly. The representation of women and non-Muslims was very low. Through the constitutional declaration of 22 November 2012, President Morsi allowed the constituent assembly to hastily finalise the draft constitution far from judicial oversight. In a public referendum on 15 December 2012, 63.8% of voters approved the constitution and 36.3% voted against it; the turnout was 32.9%. These figures indicate that the constitution was approved by a small segment of Egyptian society.

The constitutional declaration issued by Morsi on 22 November 2012 was a turning point for the liberal and leftist opposition, which came together under the umbrella of the National Salvation Front (NSF), a coalition that aimed to pressure the Muslim Brotherhood to become more inclusive in its management of the transition. But when the NSF was unable to organise its efforts and energies and exploit the popular dissatisfaction with the policies of the president, his government and the Muslim Brotherhood, the Tamarod (Rebellion) youth movement emerged, launching a grassroots campaign to collect signatures for a petition withdrawing confidence from Morsi and forcing him to hold early presidential elections. Remarkably, after the adoption of the 2012 constitution, the Islamist alliance began to crumble, as the Nour Party accused the Muslim Brotherhood of failing to execute agreements they had made<sup>17</sup> and claimed that Muslim Brotherhood loyalists were monopolising positions of power while excluding those affiliated with al-Nour. Morsi also removed his al-Nour-affiliated advisor. All of this ultimately led to the collapse of al-Nour-MB alliance. While the Nour Party engaged in talks with the NSF,<sup>18</sup> it did not support the NSF's goal of bringing down Morsi<sup>19</sup> and did not urge participation in the protests of 30 June 2013, but it did back the new roadmap after Morsi was deposed.

The NSF supported Tamarod and helped collect signatures through their provincial headquarters, also helping to mobilise for the 30 June demonstrations called by the youth movement. Massive numbers of citizens responded and turned out for packed demonstrations in the capital and elsewhere, prompting the army to intervene. The army officially deposed Morsi in the presence of opposition leaders, al-Nour Party, al-Azhar and the Coptic Orthodox Church, all of whom declared their support for a new transitional roadmap under which the president of the Supreme Constitutional Court was appointed interim president. The new roadmap opted for a consensual constitution by guaranteeing that the constitutional assembly appointed by the interim president

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<sup>17</sup> See al-Ahram, 31 May 2013, <<http://gate.ahram.org/News/353763.aspx>>.

<sup>18</sup> "Jabhat al-Inqadh Tu'lin Nata'ij al-Hiwar ma' al-Nour," al-Masry al-Youm, 30 Jan. 2013, <<http://www.almasryalyoum.com/node/1433736>>.

<sup>19</sup> "Burhami: Nattaqiq Ma' Matalib al-Inqadh 'Ada Isqat Morsi,'" al-Masry al-Youm, 30 Jan. 2013, <<http://www.almasryalyoum.com/node/1433651>>.

would be representative and inclusive. The assembly involved different political parties regardless of their electoral weight and religious groups as well as youth, women and ethnic minorities. Islamists were represented, but the Muslim Brotherhood boycotted the assembly.

This phase marked yet another turning point in the Egyptian revolution and the political scene. Following the unconditional support of the NSF and Tamarod for the army's intervention in politics and the ouster of Morsi, much of the public began to accept a larger political role for the military, partly due to the weakness of political parties and partly fearing the spread of violence. The civil parties in the NSF disagreed about the minister of defence running for the presidency,<sup>20</sup> a move supported by Tamarod leaders.<sup>21</sup> At the same time, many politicians withdrew their support for certain rights,<sup>22</sup> while those defending citizenship rights and decrying human rights abuses were branded traitors, and both the state-owned and private media provided unconditional support for the military confrontation against the Muslim Brotherhood.

Different narratives are provided to explain what happened in Egypt on 3 July 2013. The Muslim Brotherhood and its allies maintain that it was a military coup against an elected president and a political process approved by the people in general elections and a referendum. In contrast, most non-Islamist forces were convinced that Morsi's legitimacy was compromised by certain actions taken by him while in power, including the exclusionary constitution-drafting process, the circumvention of the judiciary to quickly pass the constitution and the serious infringement of human rights and freedom of expression. They also argued that political contestation was seriously restricted under the Muslim Brotherhood, whom, they alleged, used legal tactics such as the elections law and their domination of state institutions to ensure their overwhelming victory in any general elections.

Non-Islamist forces took to the streets in June 2013 as a response to these setbacks. The involvement of ordinary people in these protests was remarkable and provided a solid basis for the demands of non-Islamists. Morsi and his group dismissed these demands. Some of the actors who protested against Morsi wanted to pressure him to organise an early presidential election, but others counted on the interference of the military to overthrow him, which is what ultimately happened. The escalation of protests without an adequate response from the president prompted the military to intervene and devise a new roadmap with other political forces. The portrayal of what happened as a traditional military coup against an elected leader fails to address the root causes that led to the interference of the military.

Nevertheless, it remains true that those who aligned with one another to oust Morsi were driven by conflicting political agendas for the post-Muslim Brotherhood era. The military's objective has been to secure certain types of control over future civilian governments. The Salafist al-Nour Party has attempted to ensure that the direction of the new transition is compatible with an Islamic framework and that Islamists are not excluded. Al-Azhar has endeavoured to counter the political influence of Islamists and to counter any assumption that the overthrow of the Muslim Brotherhood

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<sup>20</sup> "Inqisam Dakhil Jabhat al-Inqadh Hawl Tarashuh al-Sisi Lil-Ri'asa," al-Masry al-Youm, 12 Oct. 2013, <<http://www.almasryalyoum.com/node/2201296>>.

<sup>21</sup> See al-Masry al-Youm, 15 Oct. 2013, <<http://www.almasryalyoum.com/node/2209016>>.

<sup>22</sup> Mohamed ElBaradei was fiercely attacked for resigning as vice-president in protest at the use of excessive force to disperse the sit-ins by Morsi supporters in Rabaa al-Adawiya and Nahda Squares. Amr Hamzawi, the president of Masr al-Hurriya and a member of the NSF, also came under attack because of his news columns, his opposition to attempts to build a new authoritarian order after 3 July 2013 hostile to rights and liberties and his calls for liberal and leftist parties in the NSF to reconsider their support for army intervention and Morsi's ouster. See, for example, Hamzawi, "Azmat al-Libraliya al-Misriya" al-Shorouk, 31 July 2013, <<http://www.shorouknews.com/columns/view.aspx?id=fde089fa-3c35-41d6-b3c0-8820f876ff6a>>; Hamzawi, "Misr Ba'd 30 July 2013", al-Shorouk, 12 Oct. 2013, <<http://www.shorouknews.com/columns/view.aspx?id=e9afc45e-b122-4906-8c9c-161d3173e6b6>>; see also al-Shorouk, 19 Oct. 2013, <<http://www.shorouknews.com/columns/view.aspx?cdate=19102013&id=28d62f61-ca0a-407f-97a6-291aeb4cea58>>.

was conducted to downsize the public role of Islam. The remnants of the Mubarak regime who joined and supported the protests against Morsi harbour ambitions of a return to politics, drawing on their organisational and financial capacity. Liberal forces want to pursue the postponed revolutionary agenda, but although their organisational capacity and popularity has gradually increased since the fall of Mubarak, other political forces such as the military, Islamists, the remnants of Mubarak regime and al-Azhar overshadow them. This power structure has affected their political choices in the post-Brotherhood era, as we will see in the following sections.

As for the future role of the Muslim Brotherhood, current indicators suggest that the group will continue its resistance to the new transitional plan. It is counting on a possible divide in the alliance that ousted Morsi, but liberal forces seem loath to align themselves with the Muslim Brotherhood. The transitional government has not locked the Muslim Brotherhood out of the political process, but it has imposed new rules. While the association of the Muslim Brotherhood was dissolved, the Freedom and Justice Party is still legal and can field candidates for the upcoming parliamentary and presidential elections. Nevertheless, the group still refuses to acknowledge the new roadmap and continues its street protests.

## CITIZENSHIP, SHARI'A AND THE CONSTITUTION

Islamists have argued that their conception of *Shari'a* (Islamic law) as state law is reconcilable with a constitutional, democratic state, noting that they seek to establish not a religious state but a 'civil state with an Islamic reference'. Islamist parties share the view that Islam offers comprehensive guidance across the political, economic, social and cultural spheres, and so believe in the supremacy of *Shari'a*.<sup>23</sup> The Nour Party generally agrees with the FJP on the structure and nature of the 'Islamic version' of democracy governed by *Shari'a*, but it rejects the term 'civil state', fearing the idea could undermine the application of Islamic law.<sup>24</sup> Like the FJP, al-Nour rejects both the theocratic and the secular state. It affirms its belief in an Islamic, modern, constitutional state where representative democracy is practiced in accordance with *Shari'a*. This state, according to al-Nour, would be based on the separation of powers, the independence of the judiciary and respect for rights and public liberties.<sup>25</sup>

Although most civil forces do not explicitly advocate a separation between state and religion or the omission of *Shari'a* as the main source of legislation from the constitution, their understanding of the role of *Shari'a* in the state is distinct from Islamists. Most civil forces are content to see the application of *Shari'a* only at the minimum, as it was enacted under Mubarak. Others define the principles of *Shari'a* as ethical values that are fully in line with social justice and international human rights. Nevertheless, few politicians explicitly call for a secular state given the far-reaching impact political Islam has had in society since the 1970s. Liberals and leftists are therefore politically constrained from openly challenging the constitutional provision on *Shari'a*. However, over the last decade a growing number of human rights defenders and secular intellectuals argue that such provisions should be amended to ensure the state's neutrality towards religions and respect for international human rights.

The 2012 constitution represented an opportunity for the Muslim Brotherhood and its Islamist allies who dominated the constituent assembly to consolidate the authority of Islamic law to a degree not

<sup>23</sup> See the platform of al-Nour Party (2011), <[http://www.alnourparty.org/page/program\\_headers](http://www.alnourparty.org/page/program_headers)>.

<sup>24</sup> "Hizb al-Nour: Narfu al-Dawlah al-Madaniyyah," <<http://www.youm7.com/News.asp?NewsID=567760>>.

<sup>25</sup> Nour Party platform.



seen previously in Egypt. The constitution established a consultative role for religious scholars in the legislative process, with Article 4 mandating consultation with the al-Azhar Association of Senior Scholars on matters pertaining to Islamic law.<sup>26</sup> This article provoked outrage from a wide range of liberals and human rights activists. In a public statement, 23 Egyptian human rights NGOs considered this move a bold step towards theocracy, where unaccountable religious scholars intervene in the work of the elected bodies, and they expressed worries that the article copied the Iranian system of *wilayat al faqih* in a different form.

Furthermore, an explicit interpretation of *Shari'a* was given in Article 219 as binding on all judicial and political organs in Egypt.<sup>27</sup> The explanatory article was vague and overly broad, referring to the sources, methods and principles of Sunni jurisprudence and thus paving the way for Sunni juristic opinions ranging from hard-line to moderate. This explanation differs from the modernist approach taken by the SCC in the 1990s when it ruled that the legislator should not override fixed rulings of *Shari'a* derived from authentic and clear texts in the Qur'an and Sunna, but went on to emphasise *ijtihad*, or independent reasoning, in all other cases, in order to accommodate the changing public interest. Thus, whereas the constitution of 1971 left the elaboration of the principles of *Shari'a* to judges, Article 219 'tie[d] Egypt's constitution to traditional Islamic jurisprudence'.<sup>28</sup>

Some liberals hoped that the new constitution drafted after the removal of the Muslim Brotherhood would include safeguards for the separation of the state and religion, but this was not possible within the new political landscape given the need to compromise with the Salafist al-Nour Party to ensure its support for the new transitional roadmap. Al-Azhar, whose political role was consolidated to counter the influence of Islamists, was also eager to safeguard the provisions on Islamic law in the constitution. Finally, the military did not seek to foster the impression that the ouster of Morsi was driven by a secular agenda. While this dismayed many liberals, through their intensive efforts in the constituent assembly they were able to water down the Islamist flavour of the 2012 constitution. Under the 2013 draft constitution, the authority to interpret Islamic law reverts to the SCC in light of its previous jurisprudence in this area and Article 219 was abolished. The provision on blasphemy was also removed, and more safeguards are included to protect human rights, including the rights of women and religious minorities.

## THE CIVIL-MILITARY RELATIONSHIP

The political influence of Salafists and al-Azhar in the post-Morsi transition and its implications for the place of Islam in the new constitution is not the only challenge to the expansion of citizenship rights after the Muslim Brotherhood. The military and its leaders have become much stronger than any time since Mubarak left power, making it difficult to fully neutralise the role of the military in the new political system. The army's influence is manifested in the new draft constitution in a provision that permits military trials for civilians in crimes committed against the armed forces. As in the 2012 constitution, some of these crimes are vaguely defined and so may allow the prosecution of political dissidents or media personnel in military courts. The provision also shields military leaders from accountability before the ordinary judiciary for serious crimes against civilians or corruption. The draft further stipulates that the appointment or dismissal of the minister

<sup>26</sup> Article 4 of the Constitution of the Arab Republic of Egypt, 25 Dec. 2012.

<sup>27</sup> Article 219 of the Constitution of the Arab Republic of Egypt, 25 Dec. 2012.

<sup>28</sup> See Lombardi, C. and Brown, N., "Islam in Egypt's New Constitution," Foreign Policy, 13 Dec. 2012, <[http://mideast.foreignpolicy.com/posts/2012/12/13/islam\\_in\\_egypts\\_new\\_constitution](http://mideast.foreignpolicy.com/posts/2012/12/13/islam_in_egypts_new_constitution)>.

of defence must be approved by the SCAF for two presidential terms. Under this article, military-civilian power relations are slanted in favour of the former. Like the 2012 constitution, the military

## THE RIGHT TO PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION

budget will be reviewed by the National Defence Council, a body including military and civil actors, but under the new draft parliamentary leaders are involved in this process as well.

After the 2011 revolution, most political parties, whether Islamist or civil, declared their support for the freedom of association and peaceful assembly in their political platforms. In practice, however, most of them did not consistently demonstrate this support, and contradictions between rhetoric and practice have emerged. The right to peaceful assembly in all forms—demonstrations, protests and sit-ins—was one of the most prominent gains of the 25 January Revolution. Early on, revolutionary forces repeatedly exercised this right as a tactic in the face of the new government led by the SCAF, as massive demonstrations in Tahrir Square became a common, effective tool to pressure the new regime. As a result of demonstrations by revolutionary forces, Mubarak was referred to trial and the SCAF was compelled to set a date for presidential elections and turn over power to an elected civilian president. While Islamist forces and parties voiced clear reservations about the expanded exercise of the right of free assembly, they did not hesitate to exercise it themselves to mobilise their base at certain political junctures.

The MB's distaste for citizens' exercise of the right of free assembly only increased after its party, the FJP, won a parliamentary majority, when it launched a smear campaign against revolutionary and political forces taking part in, and supporting, strikes and demonstrations.<sup>29</sup> Faced with a call to civil disobedience in February 2012, Islamists declared that civil disobedience and strikes would exacerbate the situation and lead to the fragmentation or collapse of the state. The assault on peaceful protestors staging a sit-in in front of the presidential palace in December 2012 most strikingly demonstrated the MB's views of the right of freedom of assembly. Participants organised the sit-in to peacefully protest the constitutional declaration issued by President Morsi on 22 November 2012. In response, the MB announced that its members would head to the palace 'to protect the legitimacy of the president and confront protesters'.<sup>30</sup> Attacks on the protestors by MB members and supporters ended with several dead and many more injured; many protestors testified that Brothers also unlawfully detained and tortured them.<sup>31</sup> At the same time, Brotherhood members and supporters besiege the SCC and prevented judges from entering and doing their jobs. President Morsi and the MB also remained silent when, angered by criticisms of the president's policies on private satellite channels, Brotherhood partisans surrounded Media Production City, assaulted journalists and threatened to storm the studio complex .

In the face of rising popular anger with President Morsi and the Brotherhood and the growing Tamarod petition campaign for early presidential elections, the MB and supporters of other Islamist and jihadi groups organised a massive demonstration dubbed 'the million-man march to renounce violence'. During the demonstration, explicit threats and intimidation<sup>32</sup> were made against citizens determined to take part in the demonstrations of 30 June 2013, called by Tamarod and backed by the civil opposition.

<sup>29</sup> Mohsen, H., in Abd al-Fattah, A. and Atiya W. (eds.), *Huquq al-insan wa-l-ahzab al-siyasiyya al-Misriyya ba'd al-thawra*. Cairo: Friedrich Naumann, 2013, p. 35.

<sup>30</sup> See al-Ahram online, 5 Dec. 2012, <<http://gate.ahram.org.eg/News/279979.aspx>>.

<sup>31</sup> CIHRS, "CIHRS Report Documents Testimonies of the Wounded and Demonstrators from Both Sides," 26 Dec. 2012, <<http://www.cihrs.org/?p=5361&lang=en>>.

<sup>32</sup> See the video of al-Gamaa al-Islamiya leader Tareq al-Zumur taken from the stage at the demonstration, <<http://www.youtube.com/watch?v=PE9M56TDEt0>>.

After the military declared it had deposed President Morsi on 3 July 2013, MB members and Morsi supporters staged sit-ins near Rabaa al-Adawiya and Nahda Square. The sit-ins angered citizens and sparked attacks by the state-owned and private media, along with broad criticism from parties that had supported army intervention. Claims began to circulate of abuses by Rabaa protestors against citizens supporting the removal of Morsi.<sup>33</sup>

Egypt witnessed more bloodshed as hundreds of Morsi's supporters and members of the Muslim Brotherhood were killed during the dispersal of their sit-ins,<sup>34</sup> while hundreds more were detained.<sup>35</sup> In this context, numerous political parties' view of the right to peaceful assembly and even the right to life shifted markedly and fundamentally. Those who only a short time earlier had organised demonstrations, issued strongly worded statements protesting the dispersal of demonstrations and sit-ins and condemned successive governments under both SCAF and Morsi for failing to protect citizens and their citizenship rights now began to change their tune.

After the dispersal of the Islamists' sit-ins, the NSF expressed its approval, saying that the time had come for Egypt to declare 'its victory over all political forces that seek to traffic in religion in Egypt and the region and victory over conspiracies by some foreign states that made a great effort to support the rule of the [MB] Guidance Bureau'.<sup>36</sup> The NSF added that if Brotherhood supporters occupied other public squares, the Egyptian people would disperse them even before the security forces, a remark reminiscent of MB supporters' threats to Morsi's opponents prior to 30 June 2013. It is noteworthy that the Egyptian Social Democratic Party, for example, which routinely and strongly condemned the authorities for the use of force against demonstrators, did not respond similarly to the deaths of dozens of Islamists in front of the Republican Guard Club. The party only issued a statement in support of the sheikh of al-Azhar's statement, which called for an investigation into the incident. The party did not criticise the new authority or hold it responsible, in contrast to their reactions to other incidents with fewer victims prior to 30 June 2013.

In contrast, the Salafist Nour Party<sup>37</sup> and a few liberal figures such as Mohamed ElBaradei broke with the mainstream when they rejected the use of force to break up the sit-ins, a move that prompted ElBaradei to resign as vice-president.

In November 2013, the interim government passed a controversial assembly law that bans unapproved protests and gives the security apparatus broad discretionary powers to forcefully disperse protests. Press reports spoke of sharp disagreements in the interim government concerning the law. The law has been met with a torrent of rejection by human rights organisations<sup>38</sup> and numerous liberal, leftist and Islamist parties.<sup>39</sup> The FJP, which under Morsi had drafted a law restricting peaceful assembly, rejected the government-sponsored law as well.<sup>40</sup>

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<sup>33</sup> Amnesty International, "Egypt: Evidence Points to Torture Carried out by Morsi Supporters," 2 Aug. 2013, <<http://www.amnesty.org/en/for-media/press-releases/egypt-evidence-points-torture-carried-out-morsi-supporters-2013-08-02>>, and "T'isam Rabi'a al-'Adawiya: al-ta'dhib bi-ism al-shar'iya," al-Masry al-Youm, 22 July 2013, <<http://www.almasryalyoum.com/node/1971691>>.

<sup>34</sup> CIHRS, "Rights Groups Condemn Lethal Violence against Those in Sit-in and Terrorist Acts of the Muslim Brotherhood," joint statement from nine Egyptian rights groups, 15 Aug. 2013, <<http://www.cihrs.org/?p=7060&lang=en>>.

<sup>35</sup> Human Rights Watch, "Egypt: Halt Arbitrary Action against Brotherhood, Media," 8 July 2013, <<http://www.hrw.org/news/2013/07/08/egypt-halt-arbitrary-action-against-brotherhood-media>>.

<sup>36</sup> NSF statement, 14 Aug. 2013.

<sup>37</sup> Nour statement on the dispersal of the sit-ins, 14 Aug. 2013, <[http://www.youtube.com/watch?v=XfMt\\_ukSvpQ](http://www.youtube.com/watch?v=XfMt_ukSvpQ)>.

<sup>38</sup> CIHRS, "New Peaceful Assembly Bill Undermines Egyptians' Right to Meet, Strike, Stage Sit-ins, and Demonstrate, and Legitimizes Their Murder," joint statement from 18 Egyptian rights groups, 23 Oct. 2013, <<http://www.cihrs.org/?p=7416&lang=en>>.

<sup>39</sup> See al-Watan, 22 Oct. 2013, <<http://www.elwatannews.com/news/details/343818>>.

<sup>40</sup> See al-Youm al-Sabi, 18 Oct. 2013,

The right to association has also been a source of contention. In particular, the debate over the NGO law and the need for a new law was renewed in early 2012. Human rights groups discussed and negotiated the issue with successive governments under the SCAF, members of the MB in parliament and later with Morsi's government. Islamists supported restrictions on NGOs, particularly human rights defenders, while liberal and leftist parties consistently supported the freedom and independence of NGOs. An exception was the liberal al-Wafd Party, which took a more hostile stance to human rights organisations.<sup>41</sup> The party also helped to smear rights groups and called them a Trojan horse for Western forces seeking to bury the revolution.<sup>42</sup> It also promoted dubious news stories about rights activists receiving secret funding from the US. For its part, the party's newspaper has adopted an editorial policy of publishing appeals rejecting human rights organisations.<sup>43</sup> Nevertheless, political interests led the Wafd to take a stance at odds with its convictions; as part of the NSF, it too rejected the NGO bill proposed by the FJP, which the NSF viewed as contrary to international standards<sup>44</sup> and human rights groups themselves saw as a tool to quash civic action.<sup>45</sup>

After the ouster of Morsi, a new NGO law was again debated. This time human rights defenders were involved in drafting the law under the auspices of liberal figures in the new government formed after the fall of Morsi. The draft law contains several improvements, but it still restricts the ability of NGOs to receive foreign funding. Nevertheless, the new political landscape is hostile to human rights defenders. The state-owned media has gone on the offensive against them, smearing them and accusing them of receiving foreign funding with the goal of executing a Western agenda inimical to the national interest. This is the same line pursued by the state-owned media under Mubarak.

## FREEDOM OF EXPRESSION

Certain aspects of Islamist thought inevitably exist in tension with freedom of expression. Critiquing religious doctrines or disseminating ideas at odds with the dominant orthodoxy cannot be tolerated by the Islamic state, and the Islamist belief that the state should protect Islamic morals in the society is inimical to the right to artistic freedom. The 2012 constitution provided the basis for state censorship of ideas and the criminalisation of blasphemy. In this context, the Muslim Brotherhood's plan to control the public cultural sector and its institutions cannot be read in isolation from its approach to freedom of expression, as control of this sector would ensure that cultural production meets its Islamic definition of artistic creativity. However, the resistance expressed by intellectuals, artists and civil society to the plan provided clear evidence that what is considered 'authentic Islam' by the state or Islamists is not necessarily approved by fellow Muslims. In the post-Mubarak era, Islamists have been a driving force behind anti-blasphemy laws, which were used repeatedly under President Morsi to repress ideas critical of religions, as well as to target political opponents. To be sure, Islamists are not the only actors who support the criminalisation of blasphemy. But reacting to the increasing number of blasphemy cases under President Morsi, some liberal figures expressed their dismay at the blasphemy law. Key human

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<<http://www1.youm7.com/News.asp?NewsID=1301645#Uo80DOIWrHs>>.

<sup>41</sup> See al-Shorouk, 17 May 2011.

<sup>42</sup> Al-Wafd, 18 Apr. 2011.

<sup>43</sup> Lamis Gabir, "Tasqut huquq al-insan," al-Wafd, 23 Dec. 2011.

<sup>44</sup> See Aswat Masriya, 18 May 2013, <<http://aswatmasriya.com/news/view.aspx?id=c26b2958-d988-439b-a780-490a7606ea35>>.

<sup>45</sup> CIHRS, "Ministry of Justice's NGO Draft Law: Putting an End to the Work of Civil Society," 24 Apr. 2013, <<http://www.cihrs.org/?p=6438&lang=en>>.

rights NGOs have also been outspoken about the negative implications of blasphemy laws for freedom of expression.

President Morsi and his government took tough stances against the media during his months in power. An increasing number of lawsuits were filed against journalists on charges of defaming the president and the Muslim Brotherhood while, at the same time, President Morsi and his government tolerated the discriminatory discourse of the Salafist media and some Islamists. Instead of working to reconstruct the ownership of the state-owned media as promised in its platform, the Muslim Brotherhood used its political power to control the appointment of editors of public newspapers.<sup>46</sup>

From the beginning of the revolution, civil parties advocated a free media and a free press. These parties often criticised Morsi and MB policies on freedom of the press, but the NSF voiced no objections when religious satellite channels were shut down on the eve of Morsi's ouster.<sup>47</sup> The media content of some of these channels may indeed have been tantamount to incitement to discrimination and violence but the state did not follow an impartial judicial process to challenge them, choosing to shut them down through administrative decree instead. However, amid rumours that the military had a hand in suspending the popular TV show presented by the satirist Bassem Youssef in November 2013, several liberal parties voiced fears of renewed suppression of freedom of expression.<sup>48</sup> Strikingly, Islamists who, under Morsi, supported the prosecution of Bassem Youssef on charges of blasphemy and insulting the president issued a statement noting that the ban was a setback for the 25 January Revolution.<sup>49</sup> The debates on the constitutional provisions for freedom of expression in the new constituent assembly indicated that many of the restrictions imposed in the 2012 constitution would be lifted in the new draft, including the controversial article on the criminalisation of blasphemy.<sup>50</sup>

## FREEDOM OF RELIGION AND THE RIGHTS OF RELIGIOUS MINORITIES

The rights of religious minorities were severely restricted under the 2012 constitution. According to this constitution, religious freedom was only guaranteed to monotheistic religions. This meant that other religious minorities, such as Baha'is, would continue to be deprived of their religious rights. The MB parliamentary bloc was outspoken against the recognition of the Baha'i religious minority in the parliament of 2005, considering Baha'ism a heretical belief that should not be protected in a Muslim society. Although liberal forces endeavoured to provide protection for all religious communities in the 2013 draft constitution, Salafists and al-Azhar obstructed their efforts.

The constitutional clause on Islamic law in the 2012 constitution and the 2013 draft constitution recognises the rights of non-Muslims to apply their own religious regulations to govern their family and religious affairs. Many observers have seen this article as a step forward for the rights of non-Muslims, since it represents the first time that a constitution has recognised the existence of other religions in Egypt. However, this article entrenches the sectarian regulation of personal status

<sup>46</sup> "The Muslim Brotherhood Following Mubarak's Footsteps," joint statement by Egyptian rights groups, 9 Aug. 2012, <<http://www.cihrs.org/?p=3773&lang=en>>.

<sup>47</sup> CIHRS, "Closure of Islamist Media Channels and Arrest of Some Its Staff: Clear Violation of Media Freedom," joint statement from seven rights groups, 5 July 2013, <<http://www.cihrs.org/?p=6913&lang=en>>.

<sup>48</sup> "Al-Tayyar al-Sha'bi: Man' Barnamij Yussuf 'Ijra' Qam'i," ONA, 2 Nov. 2013, <<http://onaeg.com/?p=1252978>>.

<sup>49</sup> Party statement, <<http://benaaparty.com/ViewArticle.aspx?ID=6526&CategoryID=2>>.

<sup>50</sup> Eissa, Salah, "Dustur Yanhaz lil-Hurriyat al-Sahafa wa al-I'lam," al-Masry al-Youm, 1 Nov. 2013, <<http://www.almasryalyoum.com/node/2257016>>.

matters in Egypt, rather than having one civil law for all citizens regardless of religion. Many Christians suffer from the strict regulations on divorce applied by the Orthodox and Catholic Churches, and some have converted to Islam in order to circumvent Christian prohibitions on divorce.<sup>51</sup> The application of sectarian family laws means that members of each religious community will be subject to discriminatory religious regulations that are not in line with human rights.

The rights of the Christian minority in Egypt have not improved after the revolution. The intolerant religious climate aggravated by Islamists' political dominance has deepened the fears of Christians. Egypt witnessed a series of sectarian clashes over the past year, but the root causes of the injustice felt by religious minorities have yet to be tackled. By dealing with the sectarian clashes as a security issue rather than addressing the legitimate rights of Christians to equality and non-discrimination, the Muslim Brotherhood and President Morsi repeated the mistakes of previous regimes.<sup>52</sup> One fundamental demand of Christians in Egypt has been the removal of legal restrictions on the construction and maintenance of churches. While the SCAF and then the Muslim Brotherhood failed to pass such a law, the 2013 constituent assembly succeeded in including a provision in the draft constitution which obliges the first elected parliament to pass the law.

Under Morsi, the state tolerated the incitement to violence and discrimination heard on religious channels owned by political allies of the Muslim Brotherhood. The campaign against the Shi'a is an illustrative example. The civil war in Syria has escalated sectarian tensions between Sunni and Shi'a Muslims, and Egyptian Islamists view the conflict through a purely sectarian lens, portraying it as a holy war between Sunnis and the heretic Shi'a. In this political climate, the crackdown on Shi'a increased in Egypt under the Muslim Brotherhood, and Morsi took no action to ensure protection for Egyptian Shi'a. In a public conference attended by Morsi to support the Syrian opposition, Salafist leaders made inflammatory statements against Shi'a, calling them 'unclean', and they urged the former president to fight any dissemination of Shi'a doctrine in Egypt. Morsi did not reject these statements. A few days after the conference, a group of extremist Islamists killed four Shi'a men in south Cairo for their religious convictions, amongst them Sheikh Hassan Shehata, a well-known Egyptian Shi'a preacher. The killers identified their victims as infidels and enemies of Sunni Islam.<sup>53</sup>

The inflammatory discourse against Christians reached its peak in June 2013 when the popular opposition to Morsi and the Muslim Brotherhood dramatically increased after the military intervened to depose Morsi. In the sit-ins organised by the Muslim Brotherhood and its Islamist allies from June to August 2013 to counter other massive protests led by liberal and leftist opposition and to protest Morsi's removal, Christians came under fierce attack. During this period, dozens of churches were burnt and destroyed across Egypt. The Muslim Brotherhood condemned these attacks, but it kept silent on its complicity in the incitement campaign against Christians.

## WOMEN'S RIGHTS

The expansion of the rights of women has been blocked in Egypt for decades. Under Mubarak, limited reforms were adopted to improve the status of women in the family and the public domain.

<sup>51</sup> "Protesting for the Right to Divorce," *Ahram Weekly*, 28 July 2011.

<sup>52</sup> Cf. Iskander, E. *Sectarian Conflict in Egypt: Coptic media, identity and representation*, London: Routledge, 2012.

<sup>53</sup> Amnesty International, "Egypt: President Morsi Must Send Clear Message against Attacks on Shi'a Muslims," 24 June 2013, <<http://www.amnesty.org/en/news/egypt-shia-killings-2013-06-24>>; see also a report on the incident by the Egyptian Initiative for Personal Rights, "Taqrir 'An Mazbaha al-Shi'a," 26 June 2013, <<http://eipr.org/pressrelease/2013/06/26/1750>>.

In the past three years, women's participation in elections and constitution-making was very modest, and the parliamentary quota for women instituted in 2010 was abolished. In general, Islamist parties do not believe in the concept of gender equality as stipulated in international human rights treaties, arguing that international women's rights corrupt Islamic social values and morals. Instead, Islamists advocate the concept of complementary roles for men and women. In reality, this means that not all the rights enjoyed by men are provided to women. This understanding of gender roles is reflected in the discriminatory positions held by many Islamists on marriage, divorce and women's political rights. New liberal and leftist parties such as the Egyptian Social Democratic Party, the Free Egyptians Party, the Socialist Popular Party and the Constitution Party incorporate an explicit commitment to the promotion of gender equality and women's rights in their platforms. In contrast, the liberal Wafd party has adopted a restrictive understanding of women's rights.

The protection of gender equality and the rights of women was overlooked in the 2012 constitution, which endorsed a patriarchal view of gender relations. Women were mentioned in the constitution as mothers and sisters but not as citizens with full equality to men. Article 33 stated that 'all citizens are equal before the law. They have equal public rights and duties without discrimination'. However, the prohibition of discrimination based on sex, religion, ethnicity and any other characteristic was omitted in the last version of the constitution, leaving the text without an explicit provision on gender equality. Article 10 opened the door to discriminatory policies against women in the family and the workplace, using vague language to entrust the state and society with maintaining the authentic character of the Egyptian family and ensuring its moral and religious values. Under the same article, the state would guarantee that a woman could reconcile her duties towards her family with her participation in public life. The 2013 draft constitution improved the status of women by explicitly stating that 'the state guarantees equality between men and women in political, social and economic spheres'. The draft also provides for affirmative action to encourage women's political participation. However, the reference to Islamic law in the constitution will obstruct the realisation of full gender equality in certain areas of life, particularly the family.

## CONCLUSION

The changing power structure since the fall of Mubarak has influenced the evolution of citizenship rights in Egypt. This evolution has not been linear and the rights discourses of political actors were not consistent at all times. The exercise of some rights has expanded at certain times during the transition, but they have also been subjected to attacks and restrictions at other times. In particular, those rights that require a new interpretation of religious and cultural traditions to support their expansion, such as religious freedom and gender equality, have often been obstructed.

The 2012 constitution severely restricted citizenship. Some of its most egregious provisions have been addressed in the new constitution, but the political alliance that ousted Morsi includes political actors with conflicting ideological and political aims. The content of the 2013 draft constitution thus reflected the hard compromises made by all actors, but mostly liberal forces. In the new transitional process, those actors who believe in an expanded version of citizenship rights have been overshadowed by other political actors such as the military, the remnants of Mubarak's regime, Salafists and the religious establishment, none of whom make rights a priority. But one should be aware that even liberal forces are not in full agreement on the definition of certain rights. Some of them have also failed to consistently uphold their principles when their political opponents have been repressed. In this atmosphere, it has become much more difficult to imagine a comprehensive process of accountability and justice for abuses committed since the fall of Mubarak. Some of the alleged perpetrators of these abuses are key partners in the new political process. The security

apparatus has regained its powers within the on-going struggle between the state and militant Islamists. Leaders of the Muslim Brotherhood are now being tried for some of these abuses, but within a politicised and selective prosecution process.

But what complicates the path to the future is that the political actors poised to achieve significant gains in the upcoming parliamentary and presidential elections are not sympathetic with the agenda of the democratic transition and the consolidation of human rights. Even though the new draft constitution includes progressive rights language, its enforcement requires a government and a parliament that believe in these aspirations and are willing to struggle for improvement. This will be difficult if Salafists and the remnants of the Mubarak regime dominate the upcoming elections. Both enjoy significant organisational and financial resources. They will also benefit from the organisational crisis affecting the Muslim Brotherhood. Moreover, the unprecedented popularity of military leaders since the fall of Morsi increases the chances of military presidential candidates. The options before liberals are very limited. While they are likely to be adequately represented in the upcoming parliament, they risk being marginalised by other conservative political forces in the future. Recently, dissent has emerged among liberals due to the performance of the military and security apparatus, but liberals and secularists have failed to maintain the political unity that previously allowed them to challenge the Muslim Brotherhood. Nevertheless, they can still seize the opportunity to coordinate their efforts in the upcoming elections. The project of democratic transition and socio-economic change remains unfinished, but they must undertake drastic organisational and programmatic transformations if they are to be influential.