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#Breaking_The_Mold Civil Society Actors Influence Policy-Making in the Arab World

Country: **Egypt**

Economic and Social Rights Axis The Case of Amending the Labor Law in Egypt

| Omar Samir Khalaf |

BACKGROUND OF THE CASE

Labor Law has always created one of the crucial points in Egypt's social conflict among the business owners and the working class. Despite the events of the Egyptian economy, production and consumption patterns and the social powers relations, there has been no amendment to Labor Law No. 127 promulgated in 1981 for more than two decades, until Law No. 12 was promulgated in 2003, as an introduction of some amendments to the first law.

The issue was not related to the labor law per se. Rather, it was related to ensuring workers' ability to organize themselves for promoting their rights, in exchange for the dominant ability of business owners to organize themselves and maximize their gains, particularly in light of a system that supported privatization policies and economic openness. Status quo developments went beyond the existing organizational frameworks, including the Labor Law, which was clearly evident before the revolution with the emergence of the phenomenon of independent trade unions that imposed themselves on the daily reality and various media as a form of resistance against the marriage of power and wealth, which made business owners become Members of Parliament and Ministers controlling the legislative, executive and union work simultaneously on all levels.

The Labor Law amendments are related to the overall picture of the state's role in the economy, whether as a market regulator, producer of some basic commodities, or a major operator for the workforce. Since the state began to abandon its productive role starting in the 1980s, there was no other way to regulate labor relations between the workers and the private sector and adjust this organization according to market and society developments

and its perception of the state's role in the economy. In this context, trade unions and labor movements went through three stages: complete unity with the state during the Nasserism period until the call for economic openness, then the phase of openness that witnessed a call for freedom and trade union pluralism, and finally, Mubarak mandate and then the revolution that was characterized by the call for independence, establishing independent unions, the accumulation of labor protests and an increase in the awareness (Irene Silwans, workers' rights in Egypt: What do we need? <https://bit.ly/2CjNLYg>)

CASE CHRONOLOGY AND DEFINING MOMENT

In the aftermath of the revolution in which workers' strikes and the massive presence of independent trade unions' symbols were one of their supporters¹, the issue of amending the Labor Law was raised as a priority as a result of the accumulated labor movement that was shedding light on the drawbacks of the old law that has remained since 2002 without any amendments. The Labor Law discussions and observations then occur consecutively among labor leaders, researchers, and human rights organizations (Khaled Ali, January 27, 2019, personal interview).

The demands of workers and their protest movements increased, and the labor movement and its tools intensified, whether through strikes or independent trade unions negotiations with the government and business owners to increase wages and ensure job security, which was what employers sometimes confronted

¹ As the revolution preceded dozens of strikes, demonstrations and labor protests in 2010. For more information on the role of workers in the Egyptian revolution, you can review the study of workers and the Egyptian revolution: A Human rights vision, the Egyptian Center for Economic and Social Rights 2011 <http://ecesr.org/?p=2967Social>

by describing the workers' demands as factional or by force. In addition, many calls were made to amend the Labor Law to be in line with the revolution's goal and the demonstrators' demands. There were also contradictory social parties on the matter; the first party was represented by business owners, including investors, companies' owners and factories represented in the Federation of Industries and Chambers of Commerce, and they were demanding a law that includes the actual working hours, links wages to production and allows the investors to act freely in cases of dismissal and other issues. However, the second party was composed of syndicates and trade unions that demand a fairer labor law that guarantees workers' rights against the unfair dismissal in cases of privatization or transfer of ownership and ensures workers' rights. However, consideration of the law was delayed until December 2017, when the Parliament Manpower Committee approved the draft bill, but it is still under consideration in the Parliament.

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

Workers and their independent unions, human rights centers, and supporters of economic and social rights are trying to consolidate their rights in the new law by including the principle of linking wages to prices, obligating the private sector to a minimum wage, issuing unlimited work contracts instead of the prevailing pattern of temporary contracts or annual and seasonal contracts that are widely spread in the private sector, and guaranteeing the rights of informal workers and employment in the informal sector, in such a manner that ensures job security for workers and their right to strike in accordance with the Constitution. The groups supporting women's work are also trying to strengthen women's rights in the law by increasing the period of maternity leave from three to four months, provided that it is available to three times, and reduces the required number of workers to establish nurseries or create mechanisms for the participation of institutions operating in one area in establishing nurseries. Some others are also seeking to guarantee the rights of domestic workers who were not covered by any law.

In this context, many protest events and seminars were held to raise awareness of the Labor Law's proposed drafts (Socialist portal, the text of a draft for fair labor law, <http://revsoc.me/our-publications/34611/>, the Egyptian Center for Economic and Social Rights, (<https://bit.ly/2Rs1h6K>). This problem includes organized and unorganized work in the private sector, especially since many companies and large factories have employment with fixed-term contracts for very short periods, despite the nature of their permanent work as construction companies and various factories.

In 2014, the "Towards a Fair Labor Law" campaign was launched and began cooperating with independent unions and labor movement figures to discuss the Labor Law and propose an alternative and fairer labor law. In 2015, the campaign held more than one event to discuss what should be available in the labor law and discuss the drafts that the Parliament began to discuss. It also presented its own draft and sent it to the Parliament and the Ministry of Manpower (Arab Egypt, Towards a Fair Labor Law: Announcing the end of the draft law and sends it to the officials, 2015, <https://bit.ly/2M9wxRR>). The most prominent of what was included is establishing the Supreme Council for Labor and the High Commission for Labor that aims to resolve the current dispute between the role of the Ministry of Manpower and Immigration as a policymaker and executive decisions, and its role as an inspectorate of the extent of business owners' commitment to implement Labor laws, regulations and decisions related to it, and to create an open database for those of working age, and to achieve equality between workers in the governmental and private sectors, in terms of permits, bonuses and minimum wages



(Socialist, workers before investment - an alternative bill to the government draft and the current Labor Law No. 12 of 2003, 2015, <http://revsoc.me/our-publications/34611/>).

The relevant civil society relied on many mechanisms to interact with this issue, such as writing research papers to criticize the current law and not keeping pace with developments, analyzing the most important points that must be amended in the law through articles published in newspapers and websites, and submitting draft laws prepared by the civil society in cooperation with independent unions and some experts (Khaled Ali, January 27, 2019, personal interview).

While business owners and members of the Chambers of Commerce and Industry are trying to avoid the restrictions of minimum wages and open-ended contracts, noting that these measures are appropriate for the governmental sector only and that the private sector is governed by the market mechanisms and work is linked to production, it guarantees a fixed wage. It provides incentives according to the productivity that is considered a way to achieve profits, increase workers' wages, and ensure competition. According to press investigations and statements by some businessmen and representatives of their groups, they could influence the drafting of most articles of the law and amend many of its texts. Out of 265 articles included in the law that was introduced in 2017, strong businessmen organizations were able to influence more than 190 articles, according to the head of the work committee at the Association of Industries that referred to establishing a committee that included advisers from the Social Insurance Agency, a consultant from the Ministry of Manpower, business owners and factories and legal advisors from the Association (Association of Egyptian Industries, "The Association of Industries intensifies efforts to study the draft Labor Law," 2016, <https://bit.ly/2QMmJy7>).

Comprehensively and exhaustively, they studied the draft law over a full 6 months. After these discussions, they concluded observations and recommendations of 190 articles out of the 267 included in the law. They proposed changing these articles under the pretext of attracting investment and investors, encouraging business owners to operate more, and expanding and increasing employment in Egypt in light of high unemployment rates (Muhammad Al-Qazzaz, Conflict of Interests in the New Labor Law, 2017, <https://bit.ly/2qI9IPT>).

CIVIL SOCIETY PERFORMANCE ASSESSMENT

Despite the tendency of the general atmosphere that accompanied the new law for business owners, they are still alarmed by the ongoing labor movement and any amendments that may lead to any labor gains. In this context, the head of the Industry Committee, Muhammad Faraj Amer, confirmed in his statements about the new labor law, on his Facebook account, in which he indicates that what is happening is an exaggeration in giving workers their rights, and says: "Exaggeration in providing rights to workers destroys the future of industrial investment. This is what we have noticed in the new bill of the Labor Law" (Hussam Harbi, Labor Law, a new arena of conflict between workers and businessmen, 2018, <https://bit.ly/2TDO2fG>).

Discussions about the labor law that concerns all the Egyptians did not obtain a real community debate, although its initial draft was submitted by the government two years ago in February 2017, and it was initially approved and reached the General Committee to pass in late 2018. Perhaps the intention is, thus, the absence of civil society's role.

In spite of this, and in cooperation with human rights centers and dozens of other independent unions, the "Towards a Fair Labor Law" campaign tried to influence the provisions of the law and submit its alternative texts, either to the Parliament or to the relevant State Council with prior review of the texts of legislative proposals before their issuance. The labor forces and the workers' movement were making their observations on the leaked draft laws. As for the most prominent observations made by the Center for Trade Union and Workers Services, for example, they revolve around changing the philosophy of temporary contracts in favor of increasing the value of unlimited contracts, in addition to job security, conditions for terminating the work relationship and adherence to methods of separation through the labor court, and organizing labor and training children so that it is prohibited to employ and train those who are under the age of 15 years, and that the law includes irregular and informal workers and domestic workers (Khaled Ali, preliminary notes on the draft of the new labor law, 2019, <https://bit.ly/2RldrYq>, Center of Trade Union Services, <https://bit.ly/2SSNwuf>).

CIVIL SOCIETY'S INFLUENCE ON THE RELEVANT POLICY

The "Towards a Fair Labor Law" campaign succeeded in networking with many independent unions and some new parties and communicating with some Members of Parliament (coalition 25-30). It also organized many workshops to raise awareness about the importance of the Labor Law, and it published many topics, both on its Facebook page or the platforms that it was able to network with. Moreover, it submitted its draft of the labor law that provides a clear vision of the public policy-making process while being aware of the legislation's role in this process. It presented strong alternatives to the government's prevailing policies or legislation, with which some policymakers interacted.

Although the existing political equilibriums were not in favor of the campaign, it could influence the drafts of the Ministry of Manpower. It imposed the individual work contract with an indefinite period, while the fixed-term contracts were an exception but without a penalty. Article 137 also stipulated the rules for resignation so that the resignations that workers are forced to sign at the beginning of their work are not used to be disposed of whenever the business owner decides to do so. The Article stipulated that "the resignation of a worker is not recognized unless it is written and signed by them or their agent and approved by the competent administrative authority..." Despite not stipulating any punishment, it stopped the employers' abuse of disposing workers without granting them their rights (Towards A Fair Labor Law, the

government's recent draft of labor law: slight positive amendments amid the crisis of the abuse of workers' rights and nepotism of the entrepreneurs, 2016, <https://bit.ly/2QNGAwA>).

In general, it can be said that there has been networking between independent unions and workers committees in the parties, particularly the left-wing ones, and some human rights centers that focus on economic and social rights, as they are the most supportive of workers' rights and aspirations in the process of amending the law. However, the current government and parliament that are biased towards the business owners' interests hindered these societal efforts. They did not hear the proposals about the law despite its importance. These institutions are, in fact, biased towards the vision of the Federation of Industries of Chambers of Commerce and the media owned by businessmen of the Official Federation of Egyptian Workers, as that these parties worked for the benefit of the businessmen and the government by purifying the law, thus, avoiding the possibility of civil society to obtain judicial pronouncements based on previous experience in the issue of the minimum wage, particularly since the law to be promulgated will refer its competences to the ordinary judiciary, and not to the administrative one (Khaled Ali, January 27, 2019, personal interview).

Despite the general context and laws restricting any labor movement calling for a better law, in addition to the weak representation of workers in the Parliament against the dominance of the business owners, or the weak the relationship between the civil society and the parliament, and the weak capacity of parliamentary representatives who are convinced of the need for a fair labor law to influence the final decision of the Parliament and its committees, many strengths have been developed, such as the state of awareness among workers concerning the law's importance and the increase in class awareness concerning the conflict between the business owners and their workers through this law and others. Many electronic campaigns were organized sarcastically and comically, and articles were published on electronic platforms against businessmen expressing their perception of workers' rights, similar to what happened through the interaction with Faraj Amer's statements, who is one of the business leaders about the exaggeration in giving workers their rights while discussing the law.



The Case of the Process of Approving the Minimum and Maximum Wages

| Omar Samir Khalaf |

BACKGROUND ON THE CASE

The debate over the minimum and maximum wages is not the result of the revolution but rather a debate about the increase in social demands upon the economic liberalization policies and workers' struggles to cope with its effects. In 1985, the basic minimum wage was set at 35 pounds for workers in the state sectors (government, public sector and public business sector). With the cost of living steadily rising and the gap between incomes and expenditures rising, successive governments were forced to support this wage through special grants, annual bonuses, and incentives subject to the discretion of the ruling authority. At the most, the minimum governmental salary, including all incentives and bonuses, did not exceed 400 Egyptian pounds before the revolution, and with large disparities between the actual minimum and maximum limits without a maximum, and the disparity in wage levels between different sectors, governorates and different regions (Egyptian Center for Economic Studies, 2012).

Despite being one of the main demands to achieve social justice, the debate over approving the minimum and maximum wages covered different opinions between supporters and opponents of adopting it, in terms of the extent of the government's ability to implement it in the administrative apparatus and all the state institutions, and its feasibility as long as it is linked to the private sector and the companies of the public business sector, thus, restructuring the bureaucracy and wages (Amr Adly, the Minimum and maximum wages and the position of the new authority on social conflict in the Egyptian bureaucracy, <https://bit.ly/2RLhh2M>)

The wage structure in Egypt suffers from a severe defect leading to more unreasonable income disparities, whether between those who belong to one institution or sector or between those who belong to different institutions and sectors, in light of the presence of government advisors receiving very high wages and justifying that by part of them are grants, technical aid and shares in special funds that are not related to the state's general budget. Whereas, the wages of junior employees are beset by the basic wage's crisis, which constitutes only 20% of the wage, of which 80% remains variable and is not subject to any rules, in addition to the fact that the labor, social insurance and health insurance laws required an amendment in parallel with the wage reforms (Mohamed Abdel-Gawad, Wages... the balance of social justice, 2013, <http://ik.ahram.org.eg/News/1581.aspx>)

CASE CHRONOLOGY AND DEFINING MOMENT

The demand for determining the minimum and maximum wages is a long-standing tradition for the Egyptian working class. It was associated with chants such as *"I associate my wage to prices in exchange for the principle of associating wages to production"*². It all began in 2003 with the beginning of the floatation policies with Atef Ebeid's government and the transformation of many state-owned public bodies into companies to be introduced for their listing on the stock exchange and privatization without guaranteeing workers' rights. These policies exacerbated the gap between wages and prices between 2007 and 2009, and the number and intensity of protests multiplied. The common factor was talking about economic and social issues related to insufficient wages and demands for their improvement (Khaled Ali, January 27, 2019, personal interview).

Between 2009 and 2010, and in cooperation with the Independent Trade Union movement, the Egyptian Center for Economic and Social Rights succeeded in extracting an important judgment from the Supreme Administrative Court in Egypt that obligates the government to set a minimum wage and to establish the Higher Council for Wages in accordance with the Unified Labor Law No. 12 issued in 2003. At the time, the claims demanded to set at a value of EGP 1,200 based on some calculations related to the basic needs of a decent life for the average Egyptian family. The Egyptian government appealed this judgment, but eight years later, the Supreme Administrative Court rejected the government's appeals and upheld the state's obligation to set a minimum wage (the Egyptian Center for Economic and Social Rights, eight years later, the Supreme Administrative Court rejects the government's appeals and upholds the state's obligation to set a minimum wage, 2018, <http://ecesar.org/?p=775530>).

The Military Council had issued a decree, according to Law No. 242 of 2011, to set the maximum wage to thirty-five times the minimum wage. However, this decree did not come into effect for the governments during that period did not set a minimum wage. The decision was only implemented during El Beblawi's government when the minimum wage reached 1,200 Egyptian pounds per month for the workers in the state's administrative apparatus (i.e., almost \$ 168 prior the float), as of January 2014, according to the decision issued by the Prime Minister No. 22 of 2014. The decision related to the minimum wage made the implementation of the maximum wage possible. Accordingly, President Abdel Fattah El-Sisi promulgated Law No. 63 of 2014 that stipulated a maximum monthly income of the workers in the state's apparatus. It also set the maximum total income at 42 thousand Egyptian pounds per month, equivalent to 5870 US dollars prior the float, as the maximum amount entitled to any employee in the state. This measure was the first of its kind to be implemented in this regard since the era of the former President, Hosni Mubarak. However, there are doubts regarding the government's application of the minimum and maximum wages, particularly with some governmental agencies and institutions relying on the judiciary to avoid the idea of the maximum wage, due to many considerations, including its legal nature and other incomprehensible issues, which led to the voiding the law of its content. Among these bodies are the judiciary, governmental banks, and Telecom Egypt, which have filed cases of unconstitutionality in implementing the law, either for they are private and have independent budgets, or they are joint-stock companies, which the government acquiesced in (Hani Al-Houti, Minister of Planning: the maximum wage is under consideration by the government after filing cases against him, 2015, <https://bit.ly/2AFilGt>).

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

In addition to the work of human rights organizations in documenting and analyzing the protests, there were reviews of international agreements on how wages were determined and found some principles that could be relied upon, stating that it is one of the rights of workers and that there is an obligation of the state to determine the minimum wage and the price of an hour of work, through an equation linking the consumer basket and the sustenance average in the society, which is present even in most capitalist systems. As we explained earlier, in addition to the ongoing protest movement, the Egyptian Center for Economic

² This is a literal word-by-word translation for it is a name of a chant which its original Arabic version might indicate a cultural particularity.

and Social Rights had a vital role in setting the minimum and maximum wages, whether by following the strategic litigation mechanism, so that the government remained for a long time, between 2003 and 2010, not bound by the provisions of the Law No. 12 promulgated in 2003 that obliges it to establish the Higher Council for Wages and that one of its tasks is setting a minimum wage. The Center relied on that matter to file a case before the administrative judiciary at the end of March 2010. The judgment 21606 was pronounced by the Cairo Administrative Court to oblige the Egyptian government to set a minimum wage that is commensurate with the high prices and guarantees the workers a decent life (Khaled Ali, Alaa Eddin Abed El Tawab, Basem Al-Din: The most prominent provisions of strategic litigation by the Egyptian Center, 2014, <https://bit.ly/2ssnUsQ>).

The government appealed the judgment and tried to avoid its implementation by filing lawsuits, some of which are related to the difficulty of implementing it practically. With the outbreak of the revolution, workers groups intensified their protests and demands to apply the minimum wage, which has become a popular demand that is difficult to disavow. Despite the strength of the arguments related to the cost of its implementation, the increase of the minimum wage to 1,200 pounds in 2014 would have cost the public treasury almost 67 billion pounds annually, which is a very large sum; therefore, the government formed a technical committee consisting of representatives from the Ministries of Finance, Planning and investment, the Central Agency for Public Mobilization and Statistics and the Central Agency for Organization and Administration, to search for a way to reduce this cost (Merit Magdy, the minimum wage costs the treasury 67 billion ... and the government is looking for a way out to reduce the cost, 2013, <https://bit.ly/2QMFWt9>).

The government was not the only one that tried to evade the judgment, as many private sector companies argued that the minimum wage applies to the public sector and the state's administrative apparatus only, and not to the private sector and its workers, and then evaded its responsibility towards its workers under this law. This matter has prompted calls for a law guaranteeing a minimum wage in the private sector (Mahmoud Hassan, "Parliament's Workforce": We are working on a law to set a minimum wage for the private sector, 2017, <https://bit.ly/2CbBF3>), that the Parliament committees have been debating it for more than a year, and it seems that it will not be approved soon due to the strength of pressure groups associated with businessmen within the current political system in its parliament and its executive authority. However, there are frequent government assurances that the minimum wage applies to everyone and not only to the government sector.

Whereas, supporters of the law stress it as a basic necessity to achieve social justice and reduce inequalities and disparities within the Egyptian society in a way that supports its stability, and that having a maximum comprehensive income is the basis for achieving social justice and fairness in the distribution of wage allowances. It will also not impose additional burdens on the state or the private sector, but it guarantees an adequate income distribution within each institution and at the macro level. It also addresses the severe deterioration in the fairness of income distribution among workers and business owners (Ahmed El-Sayed Al-Najjar, reform of the wage system and modification of the minimum and maximum wages without inflation, 2012, <https://bit.ly/2TEyacQ>). On the other hand, opponents believe that the maximum wage in the private sector leads to the absence of competencies from the bureaucratic and governmental apparatus and agencies, as they will become less competitive than the local or global private sector (Medhat Wahba, Ahmed Akram, Munir Fakhry: Abolishing the maximum wage is necessary to raise the competency of governmental agencies, 2016, <https://bit.ly/2M7SGAg>).



CIVIL SOCIETY PERFORMANCE ASSESSMENT

The civil society provided detailed solutions for how to apply the minimum and maximum wages, whether through written research papers sent to the Parliament committees between 2011 and 2012 or through experts, writers and actors who made recommendations to adjust the wage structure by applying the minimum in both public and private sectors in a way that it is commensurate with the actual cost of the basket of primary goods and services, and ensures a decent life for the workers, provided that it changes according to the change in the prices of the basket of primary goods, which was presented by Dr. Ahmed Al-Sayed Al-Najjar in his testimony in the case of the minimum wage before the court and presented in more than one occasion and article.

In addition to that, a maximum wage for state employees and the governmental apparatus will be applied, simultaneously with monitoring the prices of goods and controlling them through a serious policy to confront monopolies and support competitiveness; comprehensive insurance guarantees will be provided for all citizens in cases of illness, disability and senility, as well as a salary that is commensurate with the minimum and maximum wages for all retirees and all families who do not have a breadwinner, in addition to allocating unemployment benefits to the unemployed that are not less than the minimum wage (Mohamed Al-Agati, the demands of the Egyptian revolution and new actors, 2014, <https://bit.ly/2Fmdof4>).

The most supportive parties to this process were the workers through their independent unions and the workers' protest movement during the years prior the revolution and their recognition of their role in the revolution, as well as the Egyptian human rights organizations and experienced researchers, particularly economic experts who were relied upon to respond to the government's arguments concerning the absence of appropriations and sufficient funding sources to fulfill this commitment, and some broadcasters and TV talk show guests. However, the state did not welcome the judgment, and successive governments continued to file cases and proofs to dismiss it, the last of which was in December 2018. It lost it, in addition to the attempt of avoiding this judgment in some formulations of the Labor Law that are being discussed. As in the legislation, businessmen control the relevant Parliament committees, and even the current official Trade Union is chaired and represented in the Parliament by people who work against workers' interests.

The Case of the Comprehensive Health Insurance Law 2018

| Omar Samir Khalaf |

BACKGROUND ON THE CASE

Providers of medical services in Egypt are many, such as hospitals of the Ministry of Health, the General Authority for Health Insurance, the university hospitals, the private hospitals for certain categories such as military and police hospitals, the private hospitals and medical dispensaries. The health service levels vary from one city to another and even from one hospital to another within the same city. The controversy over the right to comprehensive health insurance has always existed since prior the revolution, particularly since Ahmed Nazif's government. As the comprehensive social health insurance program was being promoted to cover all the Egyptians, so that the state would take care of the poor and low-income category, provided that it was a compulsory system in which all citizens participate, relied on solidarity, raised the quality of service provision, and ensured the sustainability of financing by engaging the private sector and pushing it to invest in the health sector, according to its promoters who were prominent figures of the National Party as policymakers at the time (Moshira Khattab, spending priorities in Egypt and Arab Countries, prioritizing public expenditure in health, 2010, <https://bit.ly/2FofuuM>).

The problem of financing and health spending remained one of the most crucial challenges facing the health system, and the same documented official studies indicated that the volume of household expenditures on health services out of citizens' money, whether the insured (52%) or the uninsured (48%), exceeds 72% of the population. Total expenditure on health services, which encouraged the private health sector to compete over new insurance shares, in addition to the continued decline in the share of health care expenditure, which does not exceed 5% of the total budget expenditures, has led to a deterioration in the health sector.

After the revolution, demands increased to adopt a comprehensive health insurance law. Still, many of the points that are included in it were a matter of controversy, particularly financing the insurance system, its nature, the quality and comprehensiveness of its services, the share of citizens' contribution, the state's role in the health system, as well as the capacity of the current health system to cover the new law's requirements and deal with the changes arising from it.

CHRONOLOGY AND DEFINING MOMENT

The history of health insurance in Egypt dates back to the mid-sixties of the last century, with the General Authority for Health Insurance establishment in 1964 and the promulgation of a set of laws regulating social and health insurance. These laws aimed gradually at guaranteeing the right to insurance health protection for all citizens within ten years, which has not been achieved yet to this day.

Since the mid-1990s, repeated attempts have been made to reform the entire health system, of which primarily is the health insurance system, which has become, after fifteen years of establishment, the subject of criticism due to many weaknesses, most notably the dissatisfaction of citizens regarding the quality of services provided, as well as the lack of coverage in the rural areas, compared to the urban areas, with no more than 50% of the total population (The Egyptian Initiative for Personal Rights, a draft bill for the comprehensive health insurance law - position paper, 2013, <https://bit.ly/2Ckhsy>).

According to some experts in the health sector, the problem of the absent health insurance was raised through international studies and reports showing the imbalance of financing and the large gap between the expenditures from the budget of individuals, households and the public, in parallel with the spread of diseases and epidemics, such as hepatitis viruses, malnutrition and weak immunity, as well as common talk about the role of the state in confronting these diseases, and the focus of international donor agencies on the health sector.

Furthermore, the first draft of the bill appeared in 2000. Still, it faced obstacles of the wave of constitutional amendments, the control of a group of businessmen over the government, the arrival of many health ministers from the owners of large companies operating in the health sector, the beginning of thinking about transforming the General Authority for Health Insurance into a holding company in 2007, and the launch of a strong civil society movement to nullify Nazif's decision to transform the authority into a company through the strategic litigation. This issue was a strong start to the founding of a movement for a comprehensive health insurance law, and a judgment was pronounced to nullify the decision in 2008. In late 2009 and early 2010, the health insurance law's promotion began in parallel with the marketing of inheritance (Alaa Ghanem, January 21, 2019, personal interview).

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

The continuous and prolonged protests of doctors since prior the revolution have been one of the characteristics of the Egyptian social field, due to the deterioration of their living conditions and political interference in their organizational matters related to the unions, and to completely reform the health system as a part of improving the work environment in which they have coexisted with its disadvantages for decades. Doctors and the rest of the health system were a major part of the protest movement after the revolution. They also made many proposals to reform the health system. Hence, when the health insurance draft bill was proposed in 2012 in the Parliament, experts in the health sector, health policies, and civil society representatives refused it with assessment and suggestions. Some believed that the updated good texts such as the compulsory nature of the project, its inclusion of all the Egyptians and the structure of the health sector were insufficient, for the constitution was not relied upon when Presenting the law to the Parliament and the public opinion, which came along with a turbulent political and economic situation, which impeded its issuance and approval (Alaa Ghanem, Health insurance draft bill: What it has and what it is, 2012, <https://bit.ly/2M29Uik>).

The bill was reintroduced at the end of the Muslim Brotherhood's rule in April 2013. Despite the momentum of events, researchers from the Egyptian Initiative for Personal Rights criticized the draft law in cooperation with many experts and medical union figures. In the midst of the transitional phase's events, the health insurance law demands were postponed until the draft law was proposed in 2017 and then approved in early 2018.

Supporters of the law in its current form rely on various arguments, including achieving social justice and providing the service to all the Egyptian citizens with the same quality and efficiency, regardless of the economic or social level, particularly that the old

system used to provide the treatment to only those who could afford it. However, the law that was passed is similar to draft laws prior the revolution, particularly in terms of the state's bearing of expenses for those who are unable, without specifying who these are. The criteria for determining them, as well as some percentages, hold the state responsible for the expenditures of groups such as children under the school-age and school students, while their families are responsible for the rest after they were completely included in the tolerance rates in light of the laws that regulated their health insurance affairs (Maryam Al-Khatiri, "Ghannam": the new draft bill insurance will achieve justice... and the current system treats only those who can afford it, 2018, <https://bit.ly/2sINzDb>).

According to opponents of some articles of the law in its current form believe that, despite its necessity and considering it a dream for all the Egyptians and a part of the general struggle for a more just health system, it may lead to the privatization of health services through pricing them and giving a large role to the private sector, as well as the lack of clarity of its position regarding the university hospitals and the non-applicability of its standards to many governmental hospitals, thus suggesting that they are unqualified to participate in the health system in preparation for leaving it to the private sector to exploit or rehabilitate it without taking into account the rights of doctors, nursing staff, and health sector workers, not even the rights of patients (Rabih al-Saadani, Mona Mina: The new health insurance law puts an end to the dream of Egyptians for decent treatment, 2017, <https://bit.ly/2CcE65W>). Many pharmacists also believe that the law ignores the current conditions of pharmacies and pharmacists' rights (Aya Najmuddin, "Pharmacists": Medical unions were ignored in drafting the health insurance law, 2017, <https://bit.ly/2RhW2WW>).

CIVIL SOCIETY PERFORMANCE ASSESSMENT

Civil society forces, including trade unions and research centers such as the Right to Health Unit and the Egyptian Initiative for Personal Rights, confronted, prior the revolution, attempts of privatization and commoditization of health services, which began in 2007 when Nazif's government decided, in accordance with Resolution 637, to establish the Holding Company for Health Insurance and transfer all hospitals' assets and health insurance clinics to it, to promote private sector participation in managing and operating the health system, and to encourage health investments. The Egyptian Initiative for Personal Rights filed lawsuit No. 21665/61, in April 2007, immediately after the decision was issued. The Administrative Court pronounced a decision in September 2008 to stop implementing the Prime Minister's decision (Egyptian Initiative for Personal Rights, an introductory paper - Our case against the transfer of health insurance to a holding company, via the initiative website, dated 4/9/2008, <https://bit.ly/2Fqlq6E>).

Furthermore, many representatives of civil society were present in the committee of drafting the law that approved the current version, which conducted about 40 community dialogues between 2013 and 2017 with representatives of official and independent trade and professional unions and with active groups in the field of the right to health and medicine (Alaa Ghanem, January 21, 2019, personal interview).

CIVIL SOCIETY'S ON THE RELEVANT POLICY

Civil society forces were able to obtain a judgment to stop the privatization of the governmental health sector launched as a part of the political campaign for the comprehensive health insurance program before the revolution. Over the following years, these forces were able to push the debate about the health insurance law steps forward, whether by emphasizing its comprehensiveness or

reducing burdens on the poorest groups of the unemployed, those working in seasonal employment and in the informal sector who do not have any health or social insurance. Each proposed draft law was better than the previous one in terms of addressing these points.

Whether through its health experts or the trade union movement prior the revolution, civil society had a role in spreading public awareness about the importance of the struggle in the health sector and the need to bridge the legislative gap. Thus, the movement gained momentum after the revolution, which was evident by the insertion of the comprehensive health insurance file in the programs of the various political parties and movements, which applied a pressure force on the successive governments that were ready to try the implementation of the law with the aim of political marketing (Alaa Ghanem, January 21, 2019, personal interview).

It can be said that the civil society led a strong pressure campaign to turn the law into a priority; it also benefited from the desire of various governments to adopt the law for the purpose of the political campaign, and it was able to develop many of the principles that must be included in the law. Moreover, it pushed the legislators to tend more to those principles considering that health is a societal issue in the context of the raging political competition between them after the revolution. In addition, the law included positive amendments as a result of the pressure exerted by the civil society and its organized societal dialogues, most notably the definition of the incapable whose contributions the state bears, the emphasis on public ownership of the health system and its bodies, the addition of many sources of funding to the law, and the approval of the contracting rule based on the quality standard which was included by the Health Care Authority (Egyptian Initiative for Personal Rights, press release on the draft comprehensive social health insurance law, 2017, <https://is.gd/dDghFN>).

The campaign succeeded in demonstrating civil society's ability to be active and a part in the process of approving the comprehensive health insurance law through the participation of its representatives in the committee for writing and drafting the law, carrying out a major role in drafting it, and involving the rest of civil society parties, including organizations and research centers working in the health sector in the hearings.

The concerns raised by opponents of some articles of Law 2 of 2018 appear reasonable, given the general context in which the law was discussed. In fact, the introduction of the Parliament's law coincided with circulated news about decisions to privatize Takamol Hospitals, or mildly, to invest and involve the private sector in managing them. These hospitals provide primary care services to patients in the rural areas (Aswat Masriya, Sisi orders the offering of Takamol Hospitals to the private sector to benefit from them, 2016, <https://bit.ly/2sj9bjE>). Adopting the privatization of hospitals that offer services to the poor and marginalized groups contradicts the Health Insurance Law's objectives, the most important of which is the state's bearing of the costs of the marginalized and unable to bear the costs of health. In addition, following the Law's implementation in Port Said, many problems began to emerge, most notably the contributions and the lack of many hospitals' readiness. To conclude, civil society can follow up on the Law's implementation and criticize it after its approval, particularly since there are objections from business owners to charging them 2.5 per thousand of annual revenues with government promises to reconsider this issue.

Political Participation Axis

The Case of Civil Society Law

| Omar Samir Khalaf |

BACKGROUND ON THE CASE

Despite the great development that the civil society has witnessed, whether in terms of size or the type of activities and functions it carries out, Law No. 84 of 2002 continues to govern its work. Furthermore, despite the constitutional amendments in 2005 and 2007, the civil society law remained a tool used by the executive authority until the outbreak of the revolution.

The public field has witnessed a widespread debate on the necessity to amend this law that violates the principle of the independence of civil society, which is considered one of the most crucial principles of democratic legislation, especially that the legislative philosophy of Law 84 is based on the civil society's dependency on the executive authority through its administrative bodies, thus, the Egyptian political system which the revolution was basically against. As this system has resulted in constrained pluralism in the field of party activity, as well as the constrained organizations in the civil society, mainly in terms of the ability to register that is subject to the tutelage of the Ministry of Social Affairs and the security services, to give the administrative body the right to the arbitrary solution and impose strict control on the activities of these institutions, to create parallel institutions that are affiliated with the executive authority, and to place those joining civil society under criminal penalties (Mohamed El-Agati, Amendment to the organizations' law (Recommendations for democratic transition in Egypt), 2012, <https://is.gd/9jVp7M>).

CHRONOLOGY AND DEFINING MOMENT

The amendment of the civil society law in Egypt has remained a goal subject to the political context since the revolution in January 2011. Many projects have been presented over the past eight years by figures and ministers of the regime of the former President, Hosni Mubarak, who were leading the Military Council towards more confrontations with the people and democratic forces, by reviving an old bill for the organizations that bring back the control of the security apparatus over the civil society, and is more authoritarian than Law 84. As this project allows the employees of the administrative and security authority to impose control, refusal and objection to the organizations' activities. It also allows them to stop the decisions of the organization and prevents it from obtaining funding except with prior permission and gives it the power to decide whether to dissolve, suspend and limit the fields of civil society's activity and limit it to specific areas (Egyptian Initiative for Personal Rights, 2012, <https://bit.ly/2SZRce1>).

In addition, the Members of the Parliament, during the era of the Muslim Brotherhood in 2012, proposed a draft bill for the civil society that is not much different from the previous proposals of the employees of the Ministry of Social Solidarity, so that the legal text became a democratic phenomenon but with the emptying the content of the principle of notice and organization's freedom, by making the process more difficult in terms of establishing and obtaining financing, and increasing penalties on the affiliated members of the civil society, and giving administrative authorities the right to dissolve the civil institutions, and not just their boards of directors, in addition to discharging the juristic civil society human and not recognizing it (Muhammad al-Ajati, draft bill on the civil organizations and institutions 2013. Model for laws of repression and reproduction of authoritarian regimes, 2013, <https://is.gd/KPh7jU>).

Through the course of the fall of the Muslim Brotherhood regime, the controversy was renewed over the provisions relating to the civil society in the Constitution, especially that its presence in Egypt was recognized under Articles 75, 76 and 77 of the 2014 Constitution. This issue was theoretically supposed to enable citizens to form non-governmental associations, and whether they are civil organizations and institutions, or professional and labor unions and syndicates that enjoy freedom and independence in managing their affairs, as these articles emphasize that these institutions, organizations, unions and syndicates could only be dissolved by a judgment (the Constitution of the Arab Republic of Egypt 2014)/ After this constitution was drafted, it was necessary to amend the civil society law or a new law to regulate its work.

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

After the January 25 Revolution, some initiatives and civil society organizations attempted to set up legislative frameworks to independently regulate their work. Hence, a committee that includes civil society's representatives designated by the former Minister of Social Solidarity, Dr. Ahmed Hassan Al-Burai, drafted a bill presented by the Egyptian government in 2013 to the High Commissioner for Human Rights to ensure its compatibility with Egypt's international obligations. This project appeared in the context of an attempt to show a good picture of the transitional period and reassure external powers.

Even though the Egyptian government has repeatedly pledged in more than one international forum to amend the Civil Associations Law to comply with the provisions of the new Constitution promulgated in January 2014 and with its international obligations, the most recent of which it stated, before the United Nations Human Rights Council during the Universal Periodic Review in March 2014, its intention to review this law and cooperate with civil society's organizations in drafting the new law. In July 2014 and after the media attack on civil society's organizations, the Ministry of Social Solidarity issued a warning to dissolve NGOs within 45 days if their situation was not settled, which was met with widespread rejection by the civil organizations. In this context, Bahey El-Din Hassan submitted a memorandum signed by 23 human rights organizations to the Prime Minister, Ibrahim Mahlab, regarding their position on the suppressive civil organizations' bill proposed by the Ministry of Social Solidarity and its escalatory steps against the civil society (The Egyptian Initiative for Personal Rights, dated 7/24/2014, <https://bit.ly/2DaIKD5>). However, this memorandum was ignored³.

Furthermore, many civil society figures were subjected to the direct security restrictions between 2014 and 2017, which was exemplified by their summoning to the investigation related to Case 173 that emerged in 2011 and was known in the media by the issue of foreign funding for the civil society. Many of them were sanctioned and subject to measures preventing them from traveling and preserving their money, most notably Husam Bahjat, Jamal Eid, Muhammad Zaree, Mazen Hassan and Nasser Amin in 2016. Many human rights institutions and NGOs were also closed on the charge of being affiliated with the Muslim Brotherhood classified as a terrorist entity or on the charge of receiving foreign funding.

³ The text of the Memorandum can be found on the Egyptian Initiative for Personal Rights website, <http://bit.ly/2wmSKF7>

Later in May 2017⁴, Law 70 that was drafted by the government, was passed. It is a controversial law that restricts civil society's work and imposes sanctions for receiving foreign funding and high fines and fees on organizations operating without a license and on branches of foreign associations⁵.

Some others indicate that the current law is incompatible with the Constitution's articles on freedom of association and civil society; it should have been considered a temporary one, which did not happen and prevented civil society from discussing it. However, it arose out of unequal interaction between the various state agencies that deal with the civil society according to two visions; the first one is formulated by the Minister of Social Solidarity and considers the need for a role for the civil society as a partner in development, and the second one is followed by the security apparatus that does not trust the civil society and do not differentiate between the jural, developmental and charitable, and considers it a threat to the state's stability (Member of the Constitution Drafting Committee and a former Member of the Parliamentarian who requested anonymity, 22 January 2019, personal interview).

CIVIL SOCIETY PERFORMANCE ASSESSMENT

The Civil Society Law passed in 2017 was refused by a strong local opposition that created international pressure to suspend it. However, the regime uses the law or suspends its use according to the local and international political context. It did not decide to activate it fully. However, some detainees were sanctioned according to sanctions set in this law, such as the researcher Hisham Jaafar, Aya Hegazy, and some holders of foreign nationalities who were accused of receiving foreign funding. They were released later under US pressure, either because they hold US citizenship or because the American government is not satisfied with the law's provisions, especially after the United States threatened to stop military aid as a mean of pressure to improve the law's provisions and maintain a free margin of civil society work or stop it.

Furthermore, the law's advocates argue that the Egyptian state is facing terrorism and needs to stop its funding sources, and believes that the civil society is a part of it, especially that it is difficult to distinguish between local and foreign civil society's associations. The restriction is also justified by the emergency and by considerations of the transitional period because Islamists and a group of The Muslim Brotherhood control a wide range of charitable and community activities and use them for political purposes, in which it is difficult to separate the charitable from the political and the violent.

On the other hand, those who reject the law justify their position by the fact that it is used to dissolve the civil society, restrict its work and sanction the civil activists, without limiting the financing of terrorism or stopping its sources, but rather the civil society's ability to uncover it and conduct research and studies on it, thus, weakening society's ability to understand it. In fact, the Egyptian state seeks to control the civil society through legal legislation or security measures that narrow the field of associations, particularly the human rights associations, while the associations continue to operate using strategies other than resistance. The solution in this conflict is not limited to legal texts that only establish the work of the human rights movement, but also to open the political

field (Mohamed Al-Agati, the relationship between the state and Human Rights Organizations in Egypt: Is it a problem in political culture or a structural crisis?, 2018, <https://is.gd/dJoSx2>).

The reality shows that this law was used to intimidate the civil society's workers and to make them appear as they are working according to an illegal framework and that they are subject to classification at any time considering them as supporters of terrorism and violence, or as a part of the activities of banned groups, or receiving foreign funding to harm the higher interests of the country. In this context, the endeavors of the most conservative parties and agencies in the state succeeded in declaring the current law as a tool used by the authority to confront its opponents through the control of a right-wing discourse related to national auctions and marketability of the war's idea on terrorism and security considerations as a priority. Still, they were unable to implement it due to external pressure.

CIVIL SOCIETY'S INFLUENCE ON THE RELEVANT POLICY

Civil society contributed in the transitional period to deliver a draft bill to a minister who would adopt his issues, such as Ahmed Al-Burai, who, in an exceptional moment, almost approved a bill submitted by the civil society associations. Despite the severe challenges represented by the absence of political will and the context of the war on terrorism, the local civil society was able to integrate reform and democratic development's issues, whether by becoming a part of the regime's agenda in its relationship with the European Union and the United States or by being present in the political system's agenda represented in the 2030 Agenda or a part of the actors within the sustainable development goals.

Despite the weak role of the civil society in approving this law, due to the general context that did not allow for societal discussions about it, it had a role in stopping its implementation through the role of the jural civil society in monitoring violations by the authorities under the pretext of the war against terrorism, and through maintaining the public atmosphere and some activities, even if stopping the effects of the law is more related to the external role and US policy changes, the rise of the Democrats in the US Congress, and the fear of linking the aid to some points related to the democratic transition, such as the civil society law, which appears through the re-presentation of the law for discussion from once in a while.



⁴ The text of the Law can be found on the Court of Cassation's website, <http://www.cc.gov.eg/Images/L/379124.pdf>

⁵ Where the law stipulates sanctions of up to 5 years imprisonment and fines that may reach one million Egyptian pounds (59 thousand euros) for every violation. The law prohibits any organization or institution to conduct any study or any survey without the state's permission, and the results of these studies and surveys can only be published with a permission from the state too.

The Case of the Proposed Law for the Prevention of Torture

| Shaima Al-Sharqawi |

BACKGROUND ON THE CASE

Egypt acceded to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pursuant to Republican Decree No. 154 of 4/4/1986. The convention was ratified on May 25, 1986, without reservations on any of its provisions, and it was published in the Official Gazette in the first issue on 1/7/1988. (Egypt's position regarding the Human Rights Conventions, 2018, <https://goo.gl/7yD1BP>).

In 1996, the Committee against Torture conducted its first investigation into the widespread use of torture in Egypt, in accordance with its powers stipulated in this treaty. Upon completion of the investigation, the Egyptian government tried to discourage the commission from publishing its first report on the pretext that Paragraph 199 in the annual report may be interpreted as a support for "terrorist groups, which will encourage them to continue their terrorist plans and defend their criminal members who carry out terrorist acts through relying on a false accusation of torture. To put it another way, this may ultimately be interpreted as the commission indirectly encourages the terrorist groups, not only in Egypt but throughout the world. It is certainly not one of the targets set in the commission's mandate". However, after a three-year investigation during 1991 and 1994, into allegations' veracity of widespread torture in Egypt, the Committee published its report and concluded that "the security forces in Egypt, particularly State Security, practice torture regularly." (Yara Salam, a nation built by torture: twenty years of "allegations" denial, 2018, <https://goo.gl/iynC8X>).

In May 2017, nearly 20 years after the issuance of the first report, the Committee against Torture issued its annual report, which dealt in part with Egypt's situation and investigated into torture crimes by the state after receiving complaints since the end of 2012. The committee did not only rely on the complainants. Rather it sought to know the response of the Egyptian government, as it did in its first investigation, using various sources and according to the text: "The commission examined information related to torture in Egypt received from officials and bodies in the United Nations, including the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child, the Special Rapporteur on torture, the working group on enforced or involuntary disappearances, and the African Commission on Human and Peoples' Rights, especially since these sources support the allegation that torture was practiced systematically in Egypt throughout the investigation period." (Yara Salam, A nation built by torture: Twenty years of denial of "allegations", 2018, <https://goo.gl/iynC8X>).

Based on the previous review, it can be noted that the torture practices have not come to an end in Egypt, even though the period between the two reports is 20 years, during which the country witnessed many transformations, mainly during the past years and specifically since 2011.

CHRONOLOGY AND DEFINING MOMENT

With the continued prompt attempts of the civil society's associations in Egypt to stop torture's practices, a draft law for the prevention of torture was proposed in March 2015, and aimed at working with the "United Group" for advocacy and a group

of judges and legal experts, to develop the Egyptian Law to be in line with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Egypt ratified in 1986, as well as with the provisions of the constitution and recommendations that Egypt adhered to during the universal periodic review session of its human rights file before the United Nations Human Rights Council in November 2014.

In April 2016, the Group sent the draft bill on "Prevention of Torture" to the Speaker of the Parliament, the two agents, and 30 Members of the Parliament representing the main parliamentary blocs, calling for the law to be enacted. The Group stated on its official website that it had sent the draft to the President of the Republic in April 2015 for its issuance, but it did not receive a response. The statement also indicated that the Egyptian government committed in March 2015 before the United Nations Human Rights Council to make legislative amendments that help to fight effectively against torture crime. (Wael Ali, "The United Group" sends the "Prevention of Torture" bill to the Parliament, 2016, <https://goo.gl/tFkSxC>).

In this context, the United Group for Advocacy held an experts' workshop on March 11, 2015, to present and discuss the draft bill after drafting it with the participated legal experts and consultants, including two judges. After the United Group sent the text of the bill to the Presidency of the Republic and the relevant state ministries, including the Ministry of Justice, to consider issuing it, the two judges who participated in drafting the law were surprised to delegate a judge to investigate them due to their participation in the drafting and in the experts' workshop organized by the United Group.

In addition, the director of the United Group received a request from the North Giza Court to appear on May 16, 2015, to hear his statements as a part of the ongoing investigations with the two judges accused of dealing with an illegal organization, with reference to the United Group. A travel ban was also issued against the head of the United Group. ("The United Group" declares its solidarity with judges "Raouf" and "Abdul-Jabbar," 2017, <https://goo.gl/3g3Mn8>). This was a turning point that led to stopping the work to exert pressure on the Parliament and the government to discuss the bill.

SUPPORTING AND OPPOSING ARGUMENTS

The draft bill consists of 17 articles, the first of which is devoted to setting a specific and comprehensive definition of the torture crime, based on the Egyptian Court of Cassation's decisions and the Convention Against Torture definition. However, the second article of the law was devoted to amend the Articles 126, 128, 129 and 280 of the Penal Code, which impose sanctions regarding the crime of torture and associated crimes. Pursuant to Article 4 thereof, the law added a new article to the Penal Code that bears number 126 bis and stipulates that the person responsible for places of detention in which torture is practiced shall be accused with imprisonment and removal from office for breaching the duties of his position of surveillance and control. Article 5 of the law obligates the state to provide physical and psychological treatment to victims of torture, coercion, mistreatment, as well as psychological and social rehabilitation and setting a minimum level for compensation for these crimes. (new draft bill for the prevention of torture, <https://goo.gl/GKU54v>).

According to the head of the United Group and a member of the committee that presented the draft, the state's opposition to this project is based upon two main articles, namely: The first one stipulates that the prison warden or place of detention is responsible for any torture that occurs at the prison or place of detention, which will enable every victim to find someone responsible for their torture or force the prison warden to identify the names of those who committed torture. As for the second article, it is related to compensation for victims, as the draft stipulates a minimum compensation of 200 thousand or 250 thousand pounds, while compensation ranges between 10 thousand or 20 thousand pounds, and if the identity of the person responsible for torture is known, the state remains a participant in the responsibility, and no compensation may be made to the victims shall be less than 200 thousand pounds. At the same time, judgments are currently pronounced for 10 thousand or 25 thousand. (Nejad Al-Burai in an interview with "Mada Masr": we will continue to raise "anti-torture"... I have nothing to fear, 2016, <https://goo.gl/oxwewt>).

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

This draft bill results from a collaboration between civil society, legal experts and judges. The committee that worked on developing this bill consisted of two judges, a university professor, three lawyers and human rights activists. It was discussed in a workshop in March 2015 attended by more than fifty parliamentary candidates and legal experts. (New Draft Bill for the Prevention of Torture, <https://goo.gl/GKU54v>).

The United Group for Advocacy subsequently relied on mechanisms of communication and negotiation with the Parliament and the government to present the draft bill for public discussion and work to pass and promulgate it, and thus, to put an end to torture crimes in Egypt. (Wael Ali, "The United Group" Sends the "Prevention of Torture" bill to the Parliament, 2016, <https://goo.gl/tFkSxC>).

According to a statement of the Group, the bill is the result of the work carried out by the United Group, which lasted three years against the phenomenon of torture, and provided legal aid to about 500 cases of torture, and issued 4 typical reports on this phenomenon based upon the files of the legal unit that worked on it. The Group also organized a workshop to discuss the bill and sent it to the President of the Republic to be promulgated. (The United Group finalizes a bill against torture ... and calls upon Sissi to promulgate it, 2015, <https://goo.gl/nxeu7b>)

The role of the civil society also appears by continuing to raise the issue of torture and the importance of fighting it in the universal periodic review of the human rights file in Egypt before the United Nations Human Rights Council, which is one of the mechanisms that civil society has resorted to support its campaign.

CIVIL SOCIETY PERFORMANCE ASSESSMENT

The United Group tried to exert pressure to discuss the bill for the prevention of torture. Still, it was strongly rejected by the government and the Parliament, and it did not receive any response from the Presidency of the Republic. Moreover, the two judges, who are members of the committee, were subjected to harassment, which ended with their referral to the investigation. They worked with an illegal group to draft an anti-torture bill and exert pressure on the President of the Republic to promulgate it. (The United Group declares its solidarity with judges Raouf and Abdul-Jabbar, 2017, <https://goo.gl/3g3Mn8>). In March 2016, the investigative judge charged the head of the United Group for Advocacy, Nejad Al-Burai, with accusations that could lead to a



prison sentence of up to 25 years, related to organizing a workshop to discuss the bill, in addition to a set of accusations that include establishing an illegal group that aims at inciting against the authorities, carrying out human rights activities without a license, receiving foreign funding without a permit, and broadcasting false news with the intent to harm public order. (Egypt should stop retaliating against those who proposed the anti-torture law, 2016, <https://goo.gl/9TLZk5>).

Despite the attempts made by the Group to negotiate with the state, it did not succeed in exerting pressure for the presentation and discussion of the draft bill, which is due to the political context in which the Group worked and is considered discouraging and unresponsive to the desire to reduce torture crimes.

CIVIL SOCIETY'S INFLUENCE ON THE RELEVANT POLICY

The desire to propose the draft bill to discuss and present it to the government and the Parliament still exists among those who worked on it, despite being rejected by the state that has not proposed an alternative bill and has not made any policy change, noting that the Egyptian Constitution of 2014 explicitly stipulates that "Torture in all its forms and types is a crime that is not subject to the statute of limitations," and "everyone who is arrested or imprisoned, or whose freedom is restricted shall be treated in a manner that preserves their dignity, and it is not permissible to torture them..." (Egypt Constitution 2014, <https://goo.gl/67qrGD>).

Despite the restrictions against discussing the law and referring those in charge of it to the investigation, a desire to propose it still exists. In a press interview with the head of the United Group, he indicated that he had no hope that the law would be discussed, "But I want to tell myself, we did everything we could. We sent it to the President, the Court of Cassation, the Ministry of Justice and the Minister of Justice at that time, and now to the Parliament. We sent it, not only to the Speaker and his deputies but also to the members. I also previously sent it to the media. This is what I can do, and despite all, we are determined to continue this battle to the end. We are only looking for discussing our bill related to the draft for fighting against torture at any level, whether in the parliament, the civil society groups or the media". (Nejad Al-Burai in an interview with "Mada Masr": we will continue to raise "anti-torture"... I have nothing to fear, 2016, <https://goo.gl/oxwewt>).

Therefore, given that the law is not widely discussed, talking about an immediate impact could not occur, either at the level of policies or legislation. However, despite this, introducing the bill and talking about it in the press may create a dialogue about torture issues in Egypt, the effect of proposing the discussion and passing the law in the long run.

The Case of the Law Regulating the Press, Media, and the Supreme Council for Media Regulation

| Shaima Al-Sharqawi |

BACKGROUND ON THE CASE

The discussion of the need to restructure, develop and edit the Egyptian media, in both its public and private parts, began after the January Revolution due to the role that the state-owned media played in supporting the political system and inciting against the revolution. However, the past years lacked the political will of successive governments to rescue the media from the tyranny of political and executive power; despite their different orientations, the will of the successive regimes agreed on the necessity of keeping the media owned by the state and a representative of the political system, and its function is spreading campaigns and marketing for its policies. This approach coincided with another conversation at the private media level, as dozens of initiatives were launched to establish newspapers, TV channels and news sites that tried to take advantage of the freedom that was expected after the revolution. With the flow of technological development, the Internet has become the most important incubator for journalistic and digital media experiences that greatly influence public opinion. With the expansion of social media use, citizen journalism has entered the front line and has a significant impact. However, the laws that regulate journalistic and media work remained unable to keep pace with these developments, deal with them or even control them, which led to raise a loud voice again calling for immediate intervention to stop this chaos, restructure of the journalistic and media work environment, respect the rules and ethics of the profession and accelerate the process of promulgating the laws that regulate journalistic and media work. (Mustafa Shawky, Reading in the Press and Information Law (Part One), 2018, <https://goo.gl/kA3HZR>).

CHRONOLOGY AND DEFINING MOMENT

The debate over the media law began in 2014. In October 2014, The Prime Minister, at that time, issued a resolution to establish a committee to draft the press legislations stipulated in the Constitution. He called it the "Eight Committee for Drafting Press and Media Legislation" as it consists of eight members and is chaired by the Minister of Justice, along with the Minister of Transitional Justice, the chairman of the board of directors of the "Future for the Media Industry" Group, one of the professors of the Faculty of Information at Cairo University, the chairman of the information committee at the Parliament, the chairman of the Radio and Television Union, one of the journalist writers, as well as the current president of the Supreme Council for Media Regulation. (Rana Mamdouh, press and information: a council, two bodies ... and a law in the "Parliament drawer", 2018, <https://goo.gl/duVUzE>).

The Press Syndicate and the Supreme Press Council objected to the establishment of this committee. As a result, the Prime Minister met with the Syndicate of Journalists' head and assured him that the committee only acted in an advisory capacity. After that, the Syndicate of Journalists decided to establish an independent committee consisting of journalists, media professionals, legal practitioners, media professors and public figures. The committee then decided to establish the National Committee for Media and Journalism Legislations, consisting of 50 members including 12 journalists and 12 media professionals, and the remaining members would be chosen by voting, which led the current Speaker of the Parliament to join the committee's members as a representative of law professors. Before the Committee of Fifty completed a draft of the Press and Media Law, the "Committee of

Eight" announced at the end of April 2015 that it had completed preparing another draft and referred it to the "Legislative Reform" committee headed by the Prime Minister, which was considered by the Syndicate of Journalists as a violation of the Constitution that obligates to take the opinion of the Syndicate of the Journalists in all laws related to the profession. (Rana Mamdouh, press and information: a council and two commissions ... and a law in the "parliament drawer", 2018, <https://goo.gl/duVUzE>).

Subsequently, the Committee of Fifty announced the final draft of the "Unified Press and Media" Law on August 5, 2015. The government did not make any decision regarding either of the two drafts until May 16, 2016, when the Council of Ministers announced its approval of the draft of the unified law consisting of 227 articles that were drafted by the "Committee of Fifty" and sent to the Legislation Department of the State Council for review to be sent then to the Parliament. The draft law on "Press and Unified Media" remained with the State Council until the head of the legislation department announced, on November 5, 2016, that it had completed the review, reduced the number of the draft articles to 212 and returned it to the Council of Ministers to complete the procedures for promulgating it. That was followed by a statement of the Minister of Legal Affairs and the former Parliament on November 29 to divide the draft law on "the unified press and media" into two projects: The first one focuses on the formation of bodies, and the second one focuses on the rest of the articles of the unified bill. (Rana Mamdouh, press and information: a council, two bodies ... and a law in the "Parliament drawer", 2018, <https://goo.gl/duVUzE>). This issue was the turning point for those who rejected the law, as their work in proposing the draft press and media law was ignored.

In December 2016, following the meeting of the Media Committee at the Parliament to discuss the draft bill of media entities, the Syndicate of Journalists indirectly expressed its position on the law, as its representatives were absent from attending the discussions of the law, and the legislative committee of the Syndicate demanded the necessity to promulgate a law to regulate the press and media in a unified way and without division, to ensure the stability of journalistic institutions, protect the freedom and independence of the press, the media and the principles of self-accountability within them, and to ensure the implementation of the provisions of the Constitution. The head of the legislation committee of the Syndicate of Journalists stated that the start of the law's discussion indicates that the government is intentionally ignoring the "unified law" that the Syndicate participated in drafting with the committee that included representatives of all parties interested in the press and the media, and that continued to be drafted for a whole year and was approved by the majority of workers occupation. (The new press law ... a project for media nationalization, 2016, <https://goo.gl/kLi1Bc>).

In addition, a member of the Syndicate of Journalists confirmed that the Syndicate sent its observations concerning the draft bill organizing the profession to the Parliament more than five months ago, pointing out that the Syndicate Council made several observations on the draft, most notably a special note about expanding prison sentences in publishing cases, as well as new charges of which the journalists are accused with imprisonment, which are not included in the Constitution. The draft also contained broad accusations, such as disdain of religions and

threats to social and public peace. (Rana Mamdouh, press and information: a council, two bodies ... and a law in the "Parliament drawer", 2018, <https://goo.gl/duVUzE>). Dozens of journalists, including members of the Syndicate Council, issued an open statement to sign rejecting the law regulating the press and media after the initial approval of the Parliament in June 2018. (Statement of a group of journalists rejecting the new media law, <https://goo.gl/8ggFLm>).

In July 2018, the Egyptian Parliament finally approved the draft bill regulating the press and the media, despite the unanimous agreement of union leaders, journalist writers and dozens of press professionals to reject it and denounce its articles. (Parliament finally Approves the Law Regulating the Press and Media ... and Refers it to the State Council, 2018, <https://goo.gl/Rj6bgw>).

SUPPORTING AND OPPOSING ARGUMENTS

The supporters front included the Speaker of the Parliament and the Head of the Media and Culture Committee before the parliamentary majority's final approval and the head of the Syndicate of Journalists. However, the opposition front included the members; the majority of the Syndicate of Journalists Council. (Rania Al-Abd and Rana Mamdouh, despite union objections ... Parliament approves the press and media law with the Syndicate of Journalists' consent, 2018, <https://goo.gl/Rj6bgw>).

The opposing arguments to the law stem from the fact that it does not guarantee the independence of the bodies responsible for the press and the media from the executive authority. According to the text of the new law, it allows the National Press Authority to control "the management of national press institutions, boards of directors and general assemblies. The institution does not have the power to make any important decision except with the approval of the authority that also obtains for itself 1% of the institution's revenues and not its profits, while the Head of the authority is the head of the General Assembly in all institutions". Furthermore, the "new law" granted the National Press Authority and the Supreme Council for Media wide competencies, starting from the right to accuse journalists, choose board chairs and editors-in-chief, define what the law called "rare journalistic expertise" and extend their work beyond the age of sixty, and monitor, block, and report personal accounts on social media that have more than five thousand followers.

Moreover, according to the new law's text, the number of journalists represented in the boards of directors of national institutions dropped and became two out of 13 members, and in the General Assembly two out of 17 members. Six members shall be appointed to the Board of Directors. (Omar Saeed, journalists for the new "Press Law": it threatens the profession and gives the "Supreme Council" quasi-divine powers, 2018, <https://goo.gl/5w49np>). The new law also legalizes the implementation of detention under remand on journalists in cases of publishing matters related to "incitement to violence," "incitement to discrimination" and "prejudice honor", which are broad terms according to what the rejectionist journalists indicated. (Rania Al-Abd and Rana Mamdouh, despite union objections ... Parliament approves the press and information law with the Syndicate of Journalists' consent, 2018, <https://goo.gl/Rj6bgw>).

On the other hand, the supporting arguments found that the law responded to the press community's demands and did not abuse the freedoms that should be provided to journalists. The head of the Syndicate of Journalists described the amendments to the law regulating the press by the Parliament as historic and affirmed that more than 80% of the amendments that were agreed upon in the Syndicate were taken into account, as the detention under remand was abolished in publishing cases, he said, and the freedom of journalistic work was allowed without the requirement to obtain a work permit except in prohibited areas such as military installations. (Mina Ghali, head of the Syndicate of Journalists: The amendments are a big profit ... and surprising for a "rejectionist movement", 2018, <https://goo.gl/zSqPJC>). At the same time, the head of the Culture and Information Committee in the Parliament confirmed that 8 out of 9 observations of the Syndicate had been met. He considered that the new law allows newspaper boards of directors to be free in their decisions and accountable before the regulatory authorities. (Khaled Al-Shami, Parliament Media Head: There are electoral auctions due to the law, 2018, <https://goo.gl/vasU2e>).

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

Since the beginning of discussing the initial approval of the Parliament on the draft bill regulating the press and the media, a consensus rejecting the law emerged among trade union leaders, press writers and dozens of press workers, especially after the Media Committee in the Parliament rejected the proposals of Syndicate of Journalists on this law.

The session of the initial approval of the law witnessed objections from some Members of the Parliament, most notably the objection of a member of the Culture and Media Committee, who demanded that the law must be returned to the committee and presented to the relevant trade unions and hold hearings for journalists. The Speaker of the Parliament, however, rejected the request. The Culture and Media Committee's authorized representative was also absent from the session, explaining that he had many reservations about this law, and he refused to attend because he would not participate in its passage. "The draft bill gives the Supreme Media Council quasi-divine powers that go beyond journalists and reach the open limits in the Internet and social media," the former head of the Syndicate of Journalists indicated. "It is clearly biased in articles related to labor relations for business owners and administrations against the rights of journalists and workers." (Omar Saeed, journalists for the new press law: it threatens the profession and gives the "Supreme Council" quasi-divine powers, 2018, <https://goo.gl/5w49np>).



No organized rejection movement by the civil society was observed. Still, there was a rejection of the law by various associations such as the Arabic Network for Human Rights Information and the Egyptian Initiative for Personal Rights. (Khaled Al-Balshi, January 22, 2019, personal interview). In this context, the Association of Freedom of Thought and Expression worked on communicating with members of the Syndicate Council, particularly the group rejecting the law, and published a public note concerning the Unified Media Law. (Hassan Al-Azhari and Mustafa Shawky, January 23, 2019, personal interview).

CIVIL SOCIETY PERFORMANCE ASSESSMENT

The Syndicate of Journalists and the press community opposed to the law had made many efforts and attempts to impact on the law-making process. In this context, they merged several mechanisms and launched the negotiations with the Parliament and the government after the Council of the Syndicate of Journalists unanimously issued a resolution to send its observations and the required amendments to some articles of the draft bill to the Parliament before its approval.

They also relied on pressure mechanisms, whereby 183 Egyptian journalists submitted a written request to the Syndicate Council to hold an emergency general assembly to counter what they described as a law restricting freedoms and to collect almost 100 signatures. However, a request was submitted to the Syndicate Council, but it was rejected, which led to a case being filed to the Syndicate Council to hold a general assembly and discuss the law. (Khaled Al-Balshi, January 22, 2019, personal interview).

Moreover, several Egyptian journalists, including members of the Council of the Syndicate of Journalists and several senior journalists, launched an electronic campaign to sign against the bill under the hashtag "No for Press Execution Law". Their number reached almost 800 journalists who are members of the Syndicate. (Amr Al-Ansari, the new Egyptian press and media law ... its details, articles and reasons for objecting it, 2018, <https://goo.gl/mc3yU8>).

It is also worth mentioning that these efforts faced many obstacles, the most important of which is the political context that restricts freedom of expression and assembly. There were no real communication platforms with the Parliament by anti-law groups or civil society's associations, making the legislation process lacking transparency and neutrality from the real stakeholders. Besides, the closed public and political spheres played a major role in making fieldwork more difficult, which reduced the level of networking and facilitated the process of approving the law in its current form. (Hassan Al-Azhari and Mustafa Shawky, January 23, 2019, personal interview).

Furthermore, the national and private press institutions was under control through buying, pressure, intimidation or direct repression (Khaled Al-Balshi, January 22, 2019, personal interview), as well as obstacles related to subjective factors, especially after the Syndicate of Journalists, witnessed an internal crisis due to disagreements among the union's members about the law. The head of the Syndicate of Journalists responded to the Parliament's approval of the laws with a speech to thank the President of the Republic and appreciate the Speaker of the Parliament and the government for their response to the union's remarks regarding "controversial articles". The opponents called for an emergency general assembly to reject the law, affirming that the Parliament passed all articles restricting rights and freedoms, and granted the Supreme Council of Media absolute powers to block, prohibit, suspend, and withdraw media institutions' licenses. (Amr Al-Ansari, the new Egyptian press and media law ... its details, articles and reasons for objecting it, 2018, <https://goo.gl/mc3yU8>).

It is also worth noting that several influences, particularly what emerged after the new union council's election, supported the regime when the rejectionist campaigns were carried out on a small scale. The rejectionist groups were penetrated, and some economic factors affected the performance of journalists who reject the law, most notably the fear of dismissals, discharges and loss of their jobs. (Khaled Al-Balshi, January 22, 2019, personal interview).

As for the subjective factors that affected the performance of civil society's associations, the most prominent of which was the problem of weak internal capacities of the associations, weak fieldwork and coordination on the ground and the impact of professional conditions due to lack of job stability and weak wages for workers in civil society's associations in performing their jobs. (Hassan Al-Azhari and Mustafa Shawky, January 23, 2019, personal interview).

CIVIL SOCIETY'S INFLUENCE ON THE RELEVANT POLICY

In September 2018, the President of the Republic finally ratified the media law after the Parliament had approved it and referred it to him. (We publish the full text of the law on regulating the press, media and the Supreme Council, 2018, <https://goo.gl/DvtKaa>).

As a result of the obstacles and factors as mentioned above, one of the most important obstacles facing the press community can be pointed out, which is the internal crisis within the Syndicate of Journalists, which may be due to the state's desire to control the Syndicate through the elections held in February 2017, during the discussion of the law in the Parliament. The Syndicate of Journalists' current head supported by the regime and one of the most prominent law supporters won in these elections. (Walid Salah, 4 Reasons that Paved the Way for «Abdel Mohsen Salama» to the position of head of the Syndicate of Journalists, 2017, <https://goo.gl/x2P7qZ>).

Despite the efforts made to present and negotiate alternatives to the current laws and the pressure to amend the articles restricting the freedom of the press, the efforts of members of the press community have not succeeded in affecting the preparation of press-related legislation, which will place more restrictions on press and media freedom in Egypt. However, those who reject the law are still trying to make an impact on the policy even after its issuance, which was evidenced by the disagreement over the process of drafting the executive regulations for it, and its rejection by many members of the press community since the regulation gives the Supreme Media Council the right to impose penalties that are not related to its law (whether financial, although it is within the jurisdiction of the judiciary only, or disciplinary that falls within the powers of the unions only). This rejection was expressed through a signatures campaign to reject the executive regulations, in addition to drafting a memorandum for the Syndicate that includes proposals for amendments to the list and submitting a request to the Supreme Media Council to cancel the Media Council's right to impose financial and disciplinary sanctions and refer them to the relevant unions. (Khaled Al-Balshi, January 22, 2019, personal interview).

At the level of civil society's associations, the "Association of Freedom of Thought and Expression" issued a guide to legalize websites as a way to help the journalists managing and working in press websites to follow up and monitor the implementation of the law after its issuance. (Hassan Al-Azhari and Mustafa Shawky, January 23, 2019, personal interview). This indicates that attempts to impact the policy are continuing despite civil society actors' restrictions and consequences.

Environmental Rights Axis

The Case of the Popular Movement in Wadi Al Qamar in Alexandria for Environmental Justice

| Shaima Al-Sharqawi |

BACKGROUND ON THE CASE

Residents of Wadi Al Qamar in Alexandria suffer from environmental pollution and health deterioration due to the Alexandria Portland cement plant near their homes, which violates their right to health and life. The plant is located in the Wadi Al Qamar west of Alexandria; the plant's southern wall separates only 10 meters from the residential area, and the northwest winds in the region lead the plant emissions directly towards their homes. The residents also suffer from the dust rising from milling, packing, other operations, vibrations that cracked some households, and the machines' constant noise. It is worth noting that the plant's shift since 2015 from using natural gas to burning coal has led to the doubling of the residents' suffering.

The Egyptian government established the Alexandria plant in 1948, and it remained state-owned until it was privatized in 1999 and bought from Blue Circle Industries. After a series of mergers and sales, Titan Cement Company acquired Alexandria Cement Plant in 2008. Currently, the Alexandria Company, along with other companies in the Titan Group, owns almost 88% of the plant's shares. In 2010, an investment agreement was signed with the International Finance Corporation (IFC) of the World Bank, valued at € 80 million, which gave the corporation a 15% share of the capital. (Wadi Al Qamar residents and Alexandria Portland cement, 2017, <https://goo.gl/nsVwz7>).

CASE CHRONOLOGY AND DEFINING MOMENT

Since the beginning, the residents refused to establish the plant in the region because it blocked the sea view from them and eliminated air's purity and the beautiful scenery that they were used to. However, their resistance against it remained isolated and dispersed, and it embodied in petitions and complaints for officials. As the suffering increased, the residents' anger increased, complaints were reiterated, and residents gathered randomly in front of the plant to express their anger, while the plant's security prevented them from entering to meet officials. This made some figures from the region try to negotiate with the company, but no consensus was agreed upon. (The people's movement in Wadi AlQamar in Alexandria for environmental justice, 2017, <https://goo.gl/XU6WB1>).

The failure of the negotiations encouraged establishing a group of figures to organize the first mass conference in the street that was attended by a large number of residents, recorded by some satellite channels, and it clearly showed that the majority of the residents were affected by the plant and they opposed its performance. However, in the aftermath of the conference, the Egyptian state security apparatus summoned some figures and warned them of any movement or gathering in the street and that they should submit their demands in other forms. (The people's movement in Wadi Al Qamar in Alexandria for environmental justice, 2017, <https://goo.gl/XU6WB1>).

Furthermore, 2004 was the year of a milestone in the path of people's pressure, who relied on establishing the coordination committee to defend the people of Wadi AlQamar, after a conventional meeting that included senior representatives of well-known families in the region. Then, the committee issued a statement indicating that the committee represents the people

and expresses on their behalf and that it deals with the executive authorities in this capacity. The committee began communicating with residents and promoting the media issue by communicating with the press, TV and satellite channels. (The people's movement in Wadi AlQamar in Alexandria for environmental justice, 2017, <https://goo.gl/XU6WB1>).

In 2007, one of the members of the committee elected from the region for the local council was able to shed light on the issue within the local council and in the People's Assembly, where the problem of the environmental pollution by the plant was discussed, and a committee of environmental and health experts and executive members was established to discuss the issue. The committee issued its report that emphasized that "the plant's emissions cause severe harm to the residents and the neighboring companies and their industrial products and equipment. There is also a significant danger to the citizens' health". The committee also recommended moving the company from its current location to remote regions from residential regions, but this recommendation was not implemented.

The January Revolution led to a transformation in terms of encouraging citizens to demand their rights. Consequently, the residents of Wadi AlQamar began their movement and demonstrations in the street. A large demonstration was also organized in late 2011 to present their demands and mobilize the media. In December 2012, members of the committee organized another demonstration in front of the company's gate. It was reported that the residents stood for a period that extended from the afternoon until before sundown while carrying banners and chanting slogans. As the darkness intensified, the company sent thugs who penetrated the demonstrations, practiced violence, vandalized and burned some offices in the company, which made the company accuse some figures and refer them to the State Security Court before the families were acquitted in the judiciary in December 2016. (The people's movement in Wadi AlQamar in Alexandria for environmental justice, 2017, <https://goo.gl/XU6WB1>).

SUPPORTING AND OPPOSING ARGUMENTS

Residents of Wadi AlQamar complain about the environmental and health effects caused by the Alexandria Cement Company plant, and they point out to the diseases that afflicted many people in the region, many of whom suffer from respiratory and visual allergic diseases due to dust and emissions from the cement company and cause cancerous diseases on the long term. These diseases threaten the health of citizens and cause death, especially among the elderly. (Muhammad Abu Al-Enein, Wadi AlQamar: Beware of the air... it has a deadly poison, 2014, <https://goo.gl/7A6Aui>).

Moreover, the company continued to deny its responsibility for the matter. The company's executive director indicated that the company should bear its social responsibility within Wadi AlQamar and stated that the group participated in developing a primary school in Wadi AlQamar that is equipped with the newest educational materials. It also participated in cleaning the streets and establishing Wadi AlQamar Club Youth and a local medical center. (Omar Al-Sheikh, "Titan Cement": A filter for our plant in Wadi AlQamar... and 15 million pounds as our community contribution, 2018, <https://goo.gl/yacgYz>). Furthermore, the people

relying on negotiations with the company failed, for the company refused to admit that they represent the people, indicating that they are a group of angry workers. It is also worth noting that the Egyptian Initiative tried to request some documents from the company during its work on the case, but it did not respond. (Ragia Al-Jarzawi, January 22, 2019, personal interview).

THE ROLE OF CIVIL SOCIETY ACTORS AND COPING STRATEGIES

Residents practiced many forms of peaceful protest against the plant, wrote petitions, filed complaints, organized protests, held negotiations with plant's officials, talked about their case in the media, used social media, filmed documentaries, conducted research to submit alternatives studied, and resorted to local and national elected councils, resorted to litigation in national courts, and filed a complaint with the investigator's office at the World Bank against the International Finance Corporation that finances the company.

The establishment of a coordinating committee that received the support of family heads in a predominantly tribal region helped in activating resistance, networking and communicating with the parties, civil society's associations, Members of the Parliament, and others. Over time, the committee expanded its work. It began documenting with photos the environmental violations of the plant and the infractions and the health damage by collecting testimonies from patients and collecting complaints and compensation cases that some people filed against the company. They also formed a file for the company to monitor its legal status.

The committee set some general rules for its work, the most important of which is dealing with transparency and not communicating with the company secretly, as well as not clashing with the police and the state so as not to arouse people's fear, in addition to neutralizing political tendencies and not having any affiliation with any party or political group, and communicating and networking with civil society's associations, and entities and individuals who are sympathizing with them on all levels.

The residents discovered many of the company's legal violations, collected documents related to the license, and organized actions against this issue. As a result, the people filed a lawsuit against the company before the Administrative Court in Alexandria in 2010, in which they demanded the annulment of the issued license issued of the plant due to its lawlessness. Although the State Commissioners Authority's report in the lawsuit concluded that the company was operating according to an illegal license that shall be annulled, this procedure remained postponed. (The people's movement in Wadi Al Qamar in Alexandria for environmental justice, 2017 <https://goo.gl/XU6WB1>). Facing this resistance, the company incited thugs against the residents, fabricated accusations and fabricated cases for them, and attempted to bribe them. (Wadi Al Qamar residents and Alexandria Portland cement, 2017, <https://goo.gl/nsVwz7>).

The committee communicated with civil society's associations, mainly the Egyptian Initiative for Personal Rights, which conducted the required research, drafted the memorandums to submit them to the court and coordinated with parents to bring them to court and attend with their children for their testimonials. (Ragia Al-Jarzawi, January 22, 2019, personal interview). The initiative also organized workshops focusing on environmental litigation in the presence of parents who were part of it by presenting their experience in litigating the cement plant in Alexandria. (Ragia Al-Jarzawi, January 22, 2019, personal interview).



In April 2015, with the help of the Egyptian Initiative, the people filed a complaint to the Office of the Investigator of the World Bank against the violation of some protective standards by Titan Group to examine the grievances presented by the affected communities from the negative environmental and social impacts related to the projects funded by the International Finance Corporation (IFC), especially pollution, impact on health and safety, violation of local laws, rights and conditions of workers, and non-disclosure of information and consultation with the community. (The Egyptian Initiative publishes the legal memorandum in the appeal against the use of Titan cement for coal in Wadi Al Qamar in Alexandria, 2016, <https://goo.gl/4ZKb8C>).

The complaints office had an initial visit to the region in September 2015, met families, and conducted interviews with workers' representatives. On the other hand, the families provided the members of the mission with governmental documents and reports and medical reports and photos of the plant's emissions at different times and recordings supporting their complaints. Despite many of the complainants who agreed to negotiate with the company to settle the disputes, the company refused to negotiate completely. It did not recognize the complainants as legitimate representatives of the community. In addition, and according to the process of investigator's office mechanism upon the expiration of the negotiation mechanism, the complaint was referred to the officials responsible for assessing compliance in the regulations in charge of assessing the environmental and social care that shall be followed, and an investigation into the compliance with the regulations in the performance of the institution/agency regarding the project. Officials publish the investigation findings, including a comment on insufficient compliance, if any, and the response of the International Finance Corporation to these findings. (Titan cement-Alexandria, BIC, <https://goo.gl/WRh6XU>).

The residents also communicated with the Members of the Parliament of the region. The Egyptian Initiative helped them prepare comprehensive files on the subject and present them to the deputies. Indeed, a deputy from Alexandria submitted a request for a briefing in the Parliament's Environment Committee. Some of them also visited the region, took a look at the situation and demanded the plant to improve its performance and provide better services to the region. (The people's movement in Wadi AL Qamar in Alexandria for environmental justice, 2017, <https://goo.gl/XU6WB1>).

CIVIL SOCIETY PERFORMANCE ASSESSMENT

It can be said that the strategies of the civil society in dealings merged between popular pressure through the demonstrations and resorting to local councils and People's Assembly, and between the use of negotiation mechanisms with the company and mechanisms of litigation and filing petitions and complaints at the local and international levels. And that was evident in the resort to the investigator mechanism of the World Bank, which evaluates and monitors projects funded by the International Finance Corporation of the World Bank, which doubled the campaign's impact.

As a result of these efforts, the Court of Criminal Appeal's judgment was pronounced in Dekheila on March 21, 2018, convicting Alexandria Portland Cement Plant for causing environmental pollution and violating the right to health of neighboring residents. Some residents of the region had filed a complaint with the Environmental Affairs Agency and a proclamation to the Public Prosecution Office in August 2015, accusing Alexandria Portland Cement Plant of harming their health due to air pollution caused by the plant's emissions. The prosecution inspected the plaintiffs' place of residence and proved the accumulation of dust and dirt on the roofs and households. On August 30, 2015, Environmental Affairs inspected the plant, confirming violations in terms of the high level of pollutants in the work environment. In December 2015, the prosecution sent the plaintiffs to the hospital to sign a medical examination, the results of which indicated that all ten of them, including children and women, suffer from chest diseases and allergies.

In July 2016, the Public Prosecution referred the case to the Court of Criminal Appeal in Dekheila in Alexandria. The Public Prosecution accused with charges the Chairman of the Board of Directors of Alexandria Portland Cement Plant in his capacity as responsible for the plant: failure to take the necessary precautions and measures to prevent the emission of air pollutants, failure to take specific measures in spreading and producing hazardous materials, and causing injury to the victims as a result of his negligence and failure to comply with laws and regulations. On January 18, 2018, the Court of Criminal Appeal pronounced its judgment against the Chairman of the Board of Directors of Alexandria Portland Cement Company, which imposed a fine of 20,000 pounds for the first and second charges and 200 pounds for the third charge. It referred the civil case to the competent court. The company's lawyers appealed the judgment on March 21, but the Court of Criminal Appeal in Dekheila upheld the previous ruling. (Judgment of the conviction of Titan cement plant in Wadi Al Qamar for causing environmental and health damage, 2018 <https://goo.gl/sniSWE>).

Despite this proportional success, many obstacles exist that civil society actors faced, for example, whether subjective obstacles related to the weak experiences of field action among civil society actors or the obstacles imposed by the general context, especially as the political context and security restrictions on the work of civil society affected the work of these associations, the field action and the continuing communication with people due to their exposure to security harassment. An important factor also emerges, which is the scarcity and withholding of information (for example, the rate of chest diseases in Wadi Al Qamar region), which affects the ability of civil society to change the paths of the case, as well as the company's enormous power and support from the government that said it had investigated into the company. It was proved that it is working properly, but without providing any information about this investigation and its working mechanisms. (Ragia Al-Jarzawi, January 22, 2019, personal interview).

CIVIL SOCIETY'S INFLUENCE ON THE RELEVANT POLICY

Organized by the residents of Wadi Al Qamar by joining a coordinating committee, communicating and working with civil society's associations, the campaign succeeded in making an impact on the issue by granting a priority to rights and environmental justice on the overall urgent issues that cannot be separated from all economic and social rights.

The campaign's demands can be summarized in the following points: **moving the company from its current location to remote regions from residential regions**, and stopping the use of coal that the company started using after the Prime Minister issued in 2015 an amendment to an executive regulation allowing the use of coal in residential areas including Wadi Al Qamar. (The Egyptian Initiative publishes the legal memorandum in the appeal against coal use by Titan cement in Wadi Al Qamar in Alexandria, 2016, <https://goo.gl/4ZKb8C>).

The fact that the campaign has gained a judgment fining the head of Portland Cement / Titan Group is very crucial, given that current environmental laws and regulations allow highly polluting plants such as cement plants and factories using coal to be built and to operate in populated areas.

This experiment explored the best means to impact on the issue, especially due to the weakness of dealing with Egypt's environmental issue. This encouraged the Civil Center for Legislative Reform and the Egyptian Association for Collective Rights to file a complaint to the World Bank against the Titan plant of Beni Suef Governorate's branch in Egypt. (Ragia Al-Jarzawi, January 22, 2019, personal interview).

Thus, it is possible to allow the residents affected by factories to resort to the litigation mechanism and make an impact in one way or another to amend the environmental legislation in the future. (The Egyptian Initiative publishes the legal memorandum in the appeal against the use of Titan cement for coal in Wadi Al Qamar in Alexandria, 2016, <https://goo.gl/4ZKb8C>).



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BREAKING THE MOLD PROJECT

In mid-2018, the “Civil Society Actors and Policymaking in the Arab World” program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project “Arab Civil Society Actors and their Quest to Influence Policy-Making”. This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project’s goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media’s expanding role, which some claim has catalyzed the Uprisings throughout the region.


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The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society, and policy-makers.


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