Building Bridges report on civil society in Egypt

The needs assessment report for Egyptian Civil Society organizations is developed in the context of the “Building Bridges Project: Connecting Civil Society in North Africa”, which is implemented by the National Council for Voluntary Organizations (NCVO), the Arab NGO Network for Development (ANND), and Civicus-World Alliance for Citizen Participation.

The project aims to strengthen democratic participation through national civil society networks in Egypt, Libya and Tunisia. It will provide the core training for civil society networks and act as a hub to exchange knowledge on best practice models of engagement.

As a preparatory phase for this project, needs assessments were conducted in the project countries, to understand the governance of CSOs, the nature of their activities, and to assess their current capabilities to influence policy-making processes.

The needs assessment methodology included several steps:
- A Desk Review of the existing documents was conducted by project staff and researchers.
- A set of questionnaires was developed based on the specific objectives and was sent to local civil society representatives. For Egypt, responses came from 34 organizations. (See attached: the sample questionnaire and the responses from Egypt)
- Consultations with 45 representatives of local CSOs and trade Unionists: to inform the report. (See attached: the report and the list of participants of the National Consultation)

Accordingly this report was drafted to cover all the findings about civil society training needs in the upcoming period.

The report includes: Overview on the History of the Egyptian Civil Society, 2. The Egyptian Civil Society after 2011, 3. the enabling environment: the Legal Framework and the access to financial resources, 4. the networking capacities the NGOs, 5. Capacity in policy advocacy.

I. Overview on the History of the Egyptian Civil Society

Egypt declared its independence from Great Britain in 1922. The new government drafted and implemented a constitution in 1923 based on a parliamentary representative system giving the King the right to dissolve parliament. The 1920s and 1930s saw a proliferation of CSOs, which were advocating for national independence while simultaneously playing an active role in providing social services to deprived groups. In the 1930s, in response to the growing strength of many CSOs, the government introduced legislation aimed at bringing under surveillance charitable activities and regulating politically oriented CSOs. In 1939, the Ministry of Social Affairs (MOSA) was founded. Law 49 of 1945 entitled the ministry to license NGOs, and to dissolve NGOs whose activities were deemed illegal and those organizations, which did not cooperate with MOSA.

The 1952 Revolution, abolished the constitutional monarchy, established the republic, and ended the British occupation of the country. The revolutionary government adopted a nationalist agenda with a centrally planned economy. By claiming to represent all of society, provide universal welfare services

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1 CIVICUS Civil Society Index Report for the Arab Republic of Egypt, 2005
and subsidies on most goods and services, the regime alienated both the private and the CSO sector. Laws 91 of 1959 and 62 of 1964 brought the unions under heavy government control. All labor unions were brought under the supervision of one general union that regulated, and in effect governed, their activities. Moreover, a new NGO law was instated which introduced highly restrictive measures that led to the inhibition of voluntary, autonomous civil activities. Another inhibiting measure taken was the sequestration of property belonging to NGOs, which led to the considerable decline of voluntary activism in general.

During the post-Nasserist era, the government introduced some modest measures aimed at increasing political space, such as allowing the existence of political parties, granting amnesty to some political prisoners and allowing some groups, which were repressed under the previous regime, to re-emerge. However, the Political Parties law 40 of 1977 imposed a great deal of restrictions on party formation, activities and programs. In addition, Sadat (Egyptian president during the post-Nasserist era) maintained all of the laws regulating CSOs. Only Businessmen’s Associations grew during this time, as their mandates coincided with his policy of having an open door economic policy.

**Mubarak Regime:** witnessed the proliferation of the organization of civil society. By the end of 2008, there were some 30,000 civil society organizations in Egypt, however, they did not represent the true strength of civil society, especially as some organizations may be ineffective and exist on paper only, and because memberships may span multiple organizations. Civil society organizations in Egypt were facing many laws that restrict their ability to work on promoting democracy. In addition to the emergency law that allows the government to intervene in the affairs of civil society organizations, there is the association law No. 84 of 2002 which is regarded as one of the most restrictive in the Arab World and has been widely criticized for providing a framework for governmental control over civil society. The vague nature of the association law allows the executive power to dissolve NGOs if its activities interfere with public morals or public order. The Ministry of Social Solidarity also had the right to appoint board of directors of these associations in order to ensure full control of them.

2. The Egyptian Civil Society after 2011

On 25 January 2011, widespread protests began against Mubarak's regime. On 11 February 2011, Mubarak resigned and fled Cairo. Vice President Omar Suleiman announced that Mubarak had stepped down and that the military council would assume control of the nation's affairs in the interim phase.

**The transitional government led by the Supreme Council of the Armed Forces (SCAF)** targeted NGOs more severely than ever before. Civil society was attacked through three main channels: legal action against NGOs, increased delays in approving NGO registration and project proposals, and a public campaign to fuel paranoia and fear about international influence on NGOs.

The Egyptian government, in an attempt to gain domestic legitimacy, turned its attention toward what it has called foreign interference in Egyptian civil society, opening a far-reaching investigation into civil society groups receiving foreign aid. The investigation resulted in the trial of 40 Egyptian and foreign CSO workers (including 16 Americans). Egyptian government officials have gone so far as to call for the end of foreign funding for CSOs altogether. This represents an attempt by the post-revolutionary Egyptian government to impose controls over CSOs that are even more stringent than those in the Mubarak era. Freedom of association in Egypt suffered from “the worst crackdown since [civil society’s]...
emergence in 1985,” the Cairo Institute for Human Rights Studies asserted in reference to the NGO funding case.

**The Muslim brotherhood President Morsy:** assumed legislative powers on August 2012, when he dismissed Supreme Council of the Armed Forces (SCAF). The president has supported “immediate lifting of restrictions on the establishment and registration of NGOs.” But the months he spent in power witnessed a number of legislations and measures that undermined the rule of law in Egypt and severely violated rights and freedoms. President Morsy issued on 22 November a new Constitutional Declaration granting his decrees and laws immunity from judicial review even if they violate human rights until mid-2013, an act that resembles a clear law breach in Egypt. It also appears to give the president the power to issue emergency-style “measures” at any time for vague reasons and without declaring a state of emergency.

In 2013, the political context in Egypt was summarized by Dr. Magdy Abdel Hamid as follows: “the parliament is resolved; the Shura Council that is controlling the life of millions was elected by only 6% of the population, and the president of the republic won the elections with a very moderate advancement.” The general trend in Egypt is to “exclude the other” and what is left of the revolutions is the people’s will to make a change. 6

Within this context, civil society (including political parties and non-governmental organizations), is diverged into two directions. The first side believes that the ruling authorities are illegitimate and advocates for the fall of the regime; therefore, it considers there is no need to engage in the policy-making process with the illegitimate government. As for the second, although they consider the government is illegitimate, they feel obliged to monitor its work and advocate for better policies, while demanding the fall of the regime. The followers of the second direction believe that any success achieved by the Civil Society at the policy level will lead to other successes at political level.

<table>
<thead>
<tr>
<th>Conclusions related to historic and political context</th>
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<tr>
<td><strong>-</strong> Civil Society Organizations in Egypt have a long history, and they played an influential role especially in the first half of the 20th century. They predated government attempts to institutionalize social work. However, CSOs have functioned in a highly inhibitive environment, characterized by state centralization of power and limited policy spaces.</td>
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<td><strong>-</strong> Nowadays, the political system, is maintaining its control on the State by destroying its institutions. Though, the governing party is aware of the tools and mechanisms used by civil society organizations since the Muslim Brotherhood was part of this civil society during Mubarak’s regime, yet the engagement between the governing party and the civil society is still limited.</td>
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<td><strong>-</strong> Divided political perspectives of CSOs hinder their capacities and hamper their joint efforts.</td>
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<td><strong>-</strong> There are needs to provide tools for civil society organizations to strengthen their engagement in public policies.</td>
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6 Dr. Magdy Abdel Hamid, member of the Egyptian Association for Community Participation Enhancement (EACPE) and ANND Board member, in his presentation during Building Bridges: National Consultation for Egyptian Civil Society on 4 March 2013, Cairo, Egypt
3. The enabling environment: the Legal Framework’ and the access to financial resources

The Egyptian constitution guarantees Freedom of opinion (article 47), Freedom of the press, printing, publication and mass media (Article 48), Right to peaceable and unarmed private assembly, without the need for prior notice (Article 54), the right to association as defined in the law (Article 55) and the establishment of syndicates and unions on a democratic basis (Article 56).

It is important to point out that CSOs are governed by different laws depending on their classification. For example, voluntary non-profit organizations – working in development, service delivery, charity, human rights – as well as foundations, business associations and self-interest groups, are governed by the Law 84 of 2002. The Ministry of Social Solidarity oversees the implementation of the NGO Law and regulates NGO affairs.

As for professional associations, they are regulated by their own laws. Alternatively, the General Federation for Egyptian workers’ unions, whose leadership is appointed by the government, regulates trade unions.

Law 84 of 2002 allows for the creation of associations, foundations (i.e., non-governmental institutions), and unions. In addition, not-for-profit companies can be established by virtue of provisions in the Egyptian Civil Code and Corporate Code.

Law 84 of 2002 includes of a number of legal barriers (explained/elaborated upon below) to the establishment of associations.

**Barriers to Entry:** the law requires that all associations be registered in order to operate; in other words, informal [unregistered] associations are prohibited. Additionally, this law includes vague grounds for denial of registration, thereby stirring subjective and arbitrary government decision-making. As indicated in the text, registration can be refused if the association’s purposes “threaten the national unity” or run “against public order and public attitude.”

**Barriers to admission:** Although the size of the non-governmental sector is not small, CSOs are not equally accessible to every Egyptian citizen especially that these organizations tend to be concentrated in large cities and towns. Another factor that characterizes the barriers to admission is that several organizations are perceived as elitist regarding issues like membership and terms of leadership, leading to the exclusion of a very large part of the Egyptian population such as the underprivileged and women. The weak citizen base in civil society remains problematic to it becoming vibrant, active and widespread.

**Barriers to operational activity:** They take the form of governmental interference in internal affairs, vague grounds for dissolution, the imposition of harsh sanctions and extra-legal harassment by security authorities. Egyptian law prohibits all “political activities” of NGOs.

**Barriers to speech/advocacy:** Regulations indicated that prohibited political activities include “advocating the program of one of the political parties, contributing to electoral campaigns, and putting forth candidates for office.” (Regulations to Law No. 84/2002 on Associations and Non-Governmental Institutions (Article 25)). The Egyptian Government, however, does not distinguish between a political campaign for office and public policy activities.

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7 [http://www.icnl.org/research/monitor/egypt.html](http://www.icnl.org/research/monitor/egypt.html)
**Barriers to International Contact:** Egyptian law requires a ministerial approval in advance to join any organization or society headquartered outside of Egypt. Egyptian authorities may prevent individuals (including association representatives and civil society activists) from travelling outside Egypt to participate in international conferences and meetings. Authorities may also prevent representatives of international organizations from entering Egypt.

**Barriers to Foreign Funding:** Egyptian law prohibits any association from receiving foreign funds – be it from foreign individuals or foreign authorities (including their representatives inside Egypt) – without a pre-approval from the Ministry of Social Solidarity. Sending funds from an Egyptian NGO to a natural or legal person abroad also requires a pre-approval from the Ministry of Social Solidarity, except for scientific and technical books, magazines, publications, and brochures. Law 84 applies the same sanctions for sending and receiving foreign funding without government approval.

**Domestic Funding:** The barriers to foreign funding also apply to some categories of domestic funding. Specifically, the law requires that associations seeking funds from Egyptian individuals obtain pre-approval from the Ministry. Presumably, the failure to do so carries with it the same risk of dissolution.

**There has been an ongoing process to draft a new NGO law since January 2011.** The latest draft law was issued by the Ministry of Insurance and Social Affairs in February 2013. In the draft law, the government is considering restricting demonstrations and civil society organizations. This law limits the role of civil society to humanitarian and developmental roles without including the critical rights-based role that CSOs have. In Article 11 clause 5, the law prohibits the implementation of projects and plans without governmental consent, which increases governmental hegemony over all CSOs. Further restrictions are imposed through financial limitations on establishing new CSOs.

The responses to the questionnaires showed that the majority of the participating organizations (91%) are engaged in the policy-making process regarding the freedom of association in the country, however they all confirmed that the legal framework did not improve since the revolution. 65% of the organizations are also experiencing restrictions on receiving foreign funds.

**Conclusions on the Enabling Environment:**
- Until recently, the legal framework for civil society organizations could not be described as representing an enabling environment to civil society.
- The draft laws proposed after the 2011 revolution includes similar restraints to pre-revolution laws.
- Civil society organizations are engaged in advocacy to ensure a more conducive framework.
- Civil society organizations in Egypt need capacity development to increase their impact on the policy-making processes related to association laws.

**4. The institutional framework of the CSOs**

The Structure and Geographical Repartition of CSOs

Egypt encompasses a large number of CSOs, where an estimated total of 21,500 CSOs registered with the Ministry of Social Solidarity (MOSS) since 2007. Other sources, such as the General Federation of Associations estimate the number of CSOs to be 15,151. However, some the CSOs have been noted as
inactive, with almost half of the NGOs registered with the Ministry of Social Affairs thought to exist only ‘on paper’.

According to the Egypt Human Development Report in 2008, the majority (70%) of CSOs are concentrated in urban governorates, while poorer governorates namely in Upper Egypt have much lower numbers of CSOs. During the national consultations, participants stressed that capacities development of civil society organizations in poor governorates is a necessity to ensure real representation. Moreover, CSO reports indicate that there are many marginalized groups of Egyptians that do not participate in CSOs.

Voluntary work: 94% of civil society organization which responded to the questionnaire confirmed that they involve volunteers as backbone of their work.

Institutional Capacities of NGOs

While there is a high level of institutionalization of civil activity, civil society organizations have top down leadership, which reduces the ability of such NGOs to build new cadres of active members and secure smooth leadership transitions.

Though Civil Society Organizations in Egypt have a long history, the organizations are still in need of capacity building in specific areas, and this was highlighted in their answers to the questionnaires as follows:

<table>
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<tr>
<th>Fields of need</th>
<th>% of organizations needing capacity development</th>
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<tbody>
<tr>
<td>Financial management</td>
<td>62%</td>
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<tr>
<td>Human Resource management</td>
<td>71%</td>
</tr>
<tr>
<td>Programming</td>
<td>74%</td>
</tr>
<tr>
<td>Communication</td>
<td>65%</td>
</tr>
<tr>
<td>Other:</td>
<td>15%</td>
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During the national consultations, civil society organizations expressed their needs for capacity development in the area of Strategic planning for organizations to go beyond narrow project implementation towards a strategy that is based on the real opportunities in the country.

Networking and Coalition Building

Till recently, observation suggests that there is very little experience with networking in Egypt. This reflected on voice and ability to negotiate from a position of collective strength. The mobilization of citizens and communities to work together in order to solve shared problems is usually not on the agenda of most of the CSOs.

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10 Mahi Khallaf, Civil Society in Egypt: A Literature Review.
The major part of the networking was conducted through federations. However, the impact that these federations have is still vague. Although there are cases of strong cooperation, (e.g. between religious associations and places of worship), however cross-sectoral cooperation is limited. In recent years, ‘informal’ networks and movements have been formed where CSOs have chosen to join for a specific period to advocate for an issue. Yet, they are free to leave the network whenever they decide to. This factor is of high importance since, other than the CSOs that are already advocating for the cause, several other “temporary” networks and movements also take action on the same issue, hence boosting the productivity and ground impact of a certain cause. 85% of the civil society organizations who responded to the questionnaire confirmed that they have been part of a coalition around a specific activity (project implementation, advocacy...).

**Effectiveness of networks and umbrella bodies.** The regional stakeholder survey conducted by Civicus showed that many CSO representatives agree that these unions and networks are effective in achieving some of their goals. 91% of the civil society organizations who responded to the questionnaire confirmed that they see the networks in the country/region as effective. However, extensive literature on civil society in Egypt and components of this civil society, have questioned the overall effectiveness of umbrella bodies in Egypt. The government hegemony over federations and unions has deterred genuine CSO participation.

It seems that the challenge in the Egyptian context lies not in the creation of new institutional bodies, for there are many, but in boosting their capacity and restructuring them in such a way that the gap between them and their members is narrowed. During the national consultation, participants identified major challenges facing civil society organizations: i) the division of trade unions in a number of federations and unions, ii) lack of communication at the internal, bilateral, and multilateral levels (with different groups), iii) lack of media coverage for civil society actions, and iv) a challenge of outreach of CSOs and moving from being a representative body to be a real communication body.

It is worth-noting that 49% of the respondents to the questionnaire did not participate in capacity development activities about Networking and 65% expressed their need for capacity development in the area of communication.

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**Conclusions on the Institutional Framework of NGOs:**
- Networking and Coalition Building was not a priority for Civil Society Organisations in the past.
- In the last years, more organizations realized the importance of networks and coalitions to strengthen civil society’s voice, especially in a context of limited political space.
- More networks and federations emerged but their effectiveness is still not proven. This is due, in addition to the political constraints, to internal weaknesses in terms of strategic planning, communication skills and real representation.

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11 Civicus, Civil Society Index Report for the Arab Republic of Egypt, Cairo 2005
12 Civicus, Civil Society Index Report for the Arab Republic of Egypt, Cairo 2005
Different Types of Networking in Egypt:

a) Structured Network:

The Coptic Evangelical Organization for Social Services: religious-based NGOs (both Christians and Muslims) joined in a network co-ordinated by CEOSS to engage in development work for the purpose of upgrading squatter settlements, improving rural conditions, boosting the performance of local administration bodies. [www.ceoss.org.eg](http://www.ceoss.org.eg).

The Egyptian NGOs Network Against AIDS (ENNA) was initiated in December 2003 aiming at strengthening the role of the civil society to fight HIV/AIDS, supporting the network infrastructure to ensure its sustainability and the performance effectiveness to support members NGOs working in HIV/AIDS awareness programs, designing and implementing programs for the high risk groups and encouraging NGOs to form support groups for people living with HIV. All this is in order to achieve a strong effect on the target groups as well as on the civil society. [http://ennaa.org/test/about.php](http://ennaa.org/test/about.php).

b) National Campaigns:

A National Campaign for the Participation of NGOs in the Amendments of Civil Society Organizations Law: (Pre-Revolution Campaign) A number of heads of civil society associations and regional unions has formed a national committee at the level of civil society organizations and institutions from different governorates. This committee aimed at involving staff from associations and civil institutions in the amendments of civil society organizations law during the coming period. [http://www.adew.org/en/?action=10005&sub=17](http://www.adew.org/en/?action=10005&sub=17).

The Be a Man campaign, Egypt's Girls are a Red Line, the Youth of the Country, the Red Crescent, Start with Yourself and Building Egypt Initiative, are a few of the campaigns that will be working on the streets to stop sexual harassment in a joint effort. [http://www.dailynewsegypt.com/2012/10/22/anti-harassment-campaigns-gear-up-for-eid/](http://www.dailynewsegypt.com/2012/10/22/anti-harassment-campaigns-gear-up-for-eid/).

The Popular Campaign to Drop Egypt's Debt: (post-revolution campaign) A group of civil society organizations and individuals concerned with social justice came together to initiate a popular campaign to drop Egypt's Debt. The campaign aims to form pressure groups which would lobby for auditing and dropping Egypt's debt inside and outside Egypt. [http://dropegypsdebt.org/](http://dropegypsdebt.org/).

Egypt's Workers and Peasants write the constitution (post-revolution campaign): A group of civil society organizations and individuals initiated this popular campaign to form pressure groups which would lobby for including social and economic rights in Egypt's constitution.

5. Capacities in policy advocacy and specific policy areas of interest

A weak ability to design and pull through a comprehensive campaign of influence has been documented on the part of many NGOs. In some cases, civil society tried to formulate a position and communicate it to other NGOs, send position papers to the President of the Republic, send delegations to lobby Members of Parliament, talk to members of the written and audio-visual Media, organize seminars and public gatherings and finally collect signatures on petitions. In most cases, such concerted effort remains limited. Leaders usually end up taking separate positions, profiling themselves separately and thus defeating the purpose for concerted action.

There are several reasons behind the relative weakness of CSOs in engaging in activities promoting democracy. Some causes are mentioned in the following paragraph.
First, the mainstream view is that NGOs are not to engage in politics. According to Law 84, legislated in 2002, NGOs are prohibited from engaging in political activity, which excludes them from the political sphere. Another important factor is that even if Egyptian CSOs desire to promote democracy, the majority of organizations would not know how to plan and implement policies and activities of such nature. While they may have a long history of engaging in charity-work and development, most CSOs do not have the experience or the necessary skills to undertake such activities due to the complexity and difficulty of such tasks. Numerous human rights organizations that were established for the ultimate goal of promoting democracy, have dedicated their efforts for monitoring and documenting human rights abuses by the government, and then through advocacy campaigns, placing heavy pressure on the decision-makers and stake-holders at the policy-making level.

A second concern is the fact that some CSOs actually worked very closely, hand in hand with the government. They can best be described as government-organized non-governmental organizations (GONGOs). This hinders the chances that these organizations would engage in activities that may be considered as anti-governmental.

A third challenge facing the Egyptian civil society is the lack of transparency and access to information in public affairs, which restricts the ability of citizens, civil society groups and public representatives to effectively monitor the performance of public institutions.

It is worth noting that only 51% of responding organizations have participated in a capacity development activity about Policy Advocacy mechanisms.

Specific Policy areas of interest
By responding to the questionnaire, Civil Society Organizations have identified their thematic priorities, as follows:

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<tr>
<th>Organisations interested in this area</th>
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<tbody>
<tr>
<td>Civil and political rights</td>
<td>62%</td>
</tr>
<tr>
<td>Social and economic rights</td>
<td>71%</td>
</tr>
<tr>
<td>Development issues</td>
<td>79%</td>
</tr>
<tr>
<td>Women’s rights</td>
<td>74%</td>
</tr>
<tr>
<td>Other</td>
<td>18%</td>
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During the consultations, civil society organizations reiterated that along with the failure in political governance and the violations of political and civil rights, the failure of the development paradigms was at the heart of peoples’ grievances that accumulated and led to the revolution. They believe that the revolution cannot achieve their objectives, including those on the political front, without a reassessment of the economic status quo, whereby economic systems and policies are unpacked and re-constructed to putting people’s rights at the forefront. Civil Society organizations in Egypt have been engaged in advocacy for political and civil rights for decades. But recently, the interest in questioning Economic and Social Policies is increasing. In addition to national policies, they are monitoring the major role
international financial institutions (IFIs) in shaping economic and social policies in their countries and trying to assess their impact on development. This emerging function by the Egyptian civil society necessitates an enhanced knowledge of monitoring approaches and mechanisms and a deep understanding of the policy areas.

| The main challenges facing Egyptian Civil Society Organizations in policy advocacy are: |
| - The limited political spaces available for introducing changes. |
| - The lack of transparency and information. |
| - The limited capacities to advocate in specific policy areas and especially on: |
|   - **Building democracy**: mediation and reconciliation. |
|   - **Monitoring social and economic policies**, particularly on issues related to: |
|     a. Monitoring budget as a means to evaluate public policy (on the national level). |
|     b. Monitoring Trade and investment policies between Egypt and its major international partners from a development and human rights perspective. |
|     c. The role of International Financial Institutions (IFIs) in Egypt (on the international level). |