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Mr. Martin Schulz  
President of the European Parliament

Mr. Donald Tusk  
President of the European Council

Ms. Federica Mogherini  
High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission

Sir Suma Chakrabarti,  
President of the European Bank for Reconstruction and Development (EBRD)

07 December, 2016

**Subject: The crackdown on civil society in Egypt and European cooperation and financial support**

We are writing to convey our great alarm at Egypt's accelerating repression and silencing of civil society organizations (CSOs), including prominent Egyptian human rights defenders (HRDs), and to urge you to take immediate measures to address this at the highest levels of your dialogue with Egypt.

This crackdown has escalated dramatically in November 2016, as Egypt's Parliament quickly debated and adopted a new, draconian NGO law, drafted with no consultation of independent civil society, and involving extensive violations of Egypt's constitutional rights guarantees and international legal commitments to uphold the freedom of association. This text, if ratified by President Abdelfattah al-Sisi and implemented, will serve to close Egypt's human rights movement down and prevent its re-emergence. It will also paralyze Egyptian civil society at large by subjecting all associations to State control at every stage—registration, funding, activities, cooperation with any foreign body, even the UN—under threat of heavy legal penalties.<sup>i</sup>

Also in November 2016, unjustified travel bans have been imposed on five HRDs, following a multitude of similar measures in 2016, rightly denounced by the EEAS- most recently in September 2016<sup>ii</sup> —also in the framework of case no. 173/2011 known as the foreign funding case against NGOs. When the case goes to trial, these prominent defenders will incur life imprisonment under amended Criminal Code Article 78 if found guilty of acts harmful to "national interests" or destabilizing to "general peace" or "the country's independence and its unity".

***It is urgent for the EU and its Member States to call publicly on Egypt to cease these repressive practices and change course.***

The European Union has rightly recognized the fundamental role of civil society in the MENA region for stabilization, and the building of resilient societies and political systems, making it a key element of the EU Global Strategy and of the revised European Neighborhood Policy (ENP). Much of the EU's financial support to Egypt requires involvement of credible, independent civil society partners. Egypt's policy of crackdown on civil society violates the very foundation of EU-Egypt cooperation (article 2 of the Association Agreement); this policy must change to allow for the continuation and development of bilateral cooperation, as we all wish, and as the European Parliament emphasized in its March 2016 urgency resolution.<sup>iii</sup>



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As the European Bank for Reconstruction and Development (EBRD) considers further financial support for Egypt, we must emphasize that today, it sadly **does not comply with the principles of democracy and pluralism in accordance with Article 1 of the Agreement Establishing the Bank**,<sup>iv</sup> nor is it on a path to compliance with these requirements. In addition to Egypt's appalling human rights record overall, its current policy of crackdown on civil society is clearly symptomatic of the continuous deterioration of its situation with regard to this Article 1, since the EBRD's 2015 Political and Economic Assessment for Egypt as a Recipient Country. In that assessment, the EBRD voiced its expectation that Egypt's Parliament-to-be would work on reforms to address grave violations of civil and political rights, and amend or replace repressive legislation, including NGO law no. 84/2002. Yet the first year of the Parliament's work points in the opposite direction.

Meanwhile, in the midst of a crisis of governance in Egypt, hopes for accountability and transparency were further undermined in 2016 by the firing of Hesham Geneina, the former head of Egypt's Central Auditing Authority (CAA), after he made a statement about the cost of corruption in Egypt, then his indictment and trial for "spreading false news." A July 2015 law,<sup>v</sup> decreed by the Executive and confirmed by the Parliament, ensures the President can dismiss any of Mr Geneina's successors, as well as the heads of other supervisory bodies if he deems they "harm national security" or are failing in their duties. In this situation it is impossible to ensure that EBRD-supported projects in Egypt will be supported by stable, accountable and democratic institutions, or properly monitored by any independent watchdogs.

**We call on the EBRD's President Sir Suma Chakrabarti and on the EU's Member States—as key stakeholders in the Bank—to make the change of Egypt's policies toward civil society, a key element in the negotiation and signing of new financial support and investment agreements with Egypt<sup>vi</sup>, with immediate effect.** We recommend the determination of clear benchmarks to this effect, in particular:

- The closing of the Foreign Funding case against civil society organizations and the holding of a sincere and open dialogue in Egypt with all stakeholders—including established and independent human rights groups—about the status and role of civil society.
- This must be the basis for the drafting of any new NGO law to replace Law 84/2002, strictly within Egypt's constitutional framework and in full respect of its international legal commitments to uphold the freedom of association.
- Concrete steps must be taken to reopen the public sphere in Egypt, in particular by amending legislation such as the 2013 Protest Law and the 1914 Assembly Law, in accordance with the constitutionally-guaranteed freedoms of expression and of peaceful assembly; and by the unconditional release of all individuals detained or sentenced for exercising their right to these freedoms, including human rights defenders and media professionals.

<sup>i</sup> 60 national and international human rights organizations from across the world have condemned the draft NGO law and urged President Al-Sisi not to ratify it ([http://www.ifex.org/egypt/2016/11/23/egypt\\_draft\\_law\\_nov\\_2016/](http://www.ifex.org/egypt/2016/11/23/egypt_draft_law_nov_2016/)).

<sup>ii</sup> [https://eeas.europa.eu/node/9989\\_en](https://eeas.europa.eu/node/9989_en)

<sup>iii</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0084%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

<sup>iv</sup> <http://www.ebrd.com/downloads/about/aspects.pdf>

<sup>v</sup> [http://www.cc.gov.eg/Images/Legislations/W/2015/07/89-2015\\_\\_09-07-2015.pdf](http://www.cc.gov.eg/Images/Legislations/W/2015/07/89-2015__09-07-2015.pdf)



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