



Telebriefing:
EGYPT IN TRANSITION:
OPPORTUNITIES AND CHALLENGES FOR HUMAN RIGHTS FUNDERS
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Speakers:

- [Soha Abdelaty](#), Deputy Director, Egyptian Initiative for Personal Rights
- [Regan Ralph](#), Executive Director, Fund for Global Human Rights

Moderator:

- [Hanan Rabbani](#), Senior Program Officer, Women's Rights and Gender Development, Open Society Foundations

In this telebriefing, funders explored how human rights grantmakers can effectively and strategically support Egyptian activists and civil society organizations in the current state of transition. The speakers surveyed the current political situation and funding landscape as well as implications for human rights funders, explored the human rights priorities, gaps, opportunities, as well as entry points for funders, and examined lessons learned that funders seeking to enter this context should bear in mind.

Hanan Rabbani opened the telebriefing with the question of '*why Egypt?*' A smooth democratic transition in Egypt creates positive implications for other countries in transition in the Middle East. Egypt has been and continues to be a country of interest for many funders, but recent developments have tightened restrictions both on foreign funding as well as on Egyptian civil society and Egyptian NGOs. This telebriefing will help funders better understand the Egyptian context and will give tips and advice on how to deal with these challenges.

Soha Abdelaty, Deputy Director, Egyptian Initiative for Personal Rights (EIPR)

Soha detailed the current state of political transition in Egypt:

- Hosni Mubarak resigned as President of Egypt in February 2011. Egypt was then administrated by the military and represented by the Supreme Council of Armed Forces (SCAF).
- In July 2012 Egypt elected its first democratically appointed president, Mohamed Morsi of the Muslim Brotherhood.
- The first year and a half of military transitional rule was marred by human rights violations that were well-documented, but ultimately dismissed and never investigated by the military.
- New political parties and forces largely feared the dominant Muslim Brotherhood.
- Members from the former regime, including Mubarak (who was brought to trial for his responsibility for the killing of demonstrators during the 18 days of the revolution and other

human rights violations) were not brought to justice. The only trials that have taken place were those for corruption and fraud, none concerned human rights violations.

- Morsi's rule has been as problematic as the military rule. In the early days he attempted to curtail military involvement in politics, but at the same time reinforcing Muslim Brotherhood's stronghold of the country and reinforcing his own power as president.

In December 2012, Soha noted, a referendum was held on the new constitution. A weak and outdated document enforcing a strong presidency like that of Mubarak; it's also regressive on human rights obligations. While Morsi controls executive and legislative powers as well as the upper body of Parliament temporarily, elections for a new parliament are expected in the next few months under the new constitution. In many ways it feels the same as the days of Mubarak: security forces are not accountable, economic and social policies do not deliver justice, and the small window of opportunity for civil society to work with the democratically appointed body does not seem very promising.

Police violence against civilians has taken on new fronts in the past few years. Documented cases have indicated a more aggressive attitude and a continuing lack of accountability. In one instance, members of the police responded to the death of one of their own officers by enforcing selective punishment on an entire village, resulting in the death of a nine year old child.

Violent and bloody demonstrations are expected to continue if not worsen. Teachers, doctors, workers, and students have taken to the streets demanding better working and living conditions. This is expected to continue—these groups have started to organize and work collectively in a way we have not seen before and are growing stronger. Neither the military nor the Muslim Brotherhood has given any indication that combating sexual violence is a priority for them. The decision not to deal with this effectively encourages the perpetrators.

Women are often attacked and assaulted during demonstrations. Every Wednesday night a group of 200 young women and men volunteers discuss plans for the next Friday's demonstration and what can be done in response to accounts of sexual assault to try and address this problem. There are still incidents of state violence against women, which has included compulsory virginity testing and beatings of female demonstrators.

Government officials also talk about changing restrictive NGO laws passed under the Mubarak regime, which allows great interference by the state. Many organizations such as EIPR have tried to register as NGOs but were rejected. These organizations are then forced to register as parallel structures such as law firms or civil companies. The current ruling party is interested in amending this law, and has interest in registering the Muslim Brotherhood as an organization so it is formally allowed to operate. This interest in amending the law is a good sign, but there is still the question of when this law will be submitted—either before the new parliament is elected or in the coming two months.

Regan Ralph, Executive Director, Fund for Global Human Rights:

Regan discussed the current state of funding activity in Egypt: Following the revolution there was heightened interest in supporting civil society organizations in Egypt, but in some ways the situation hasn't changed as radically as expected. New money has come from a number of governments to support organizations in many ways. However, this money is complicated by restrictions determining which organizations can accept foreign funding.

The legal and political complexities of being a foreign funder in Egypt are worsening. The NGO law has caused organizations to take on different kinds of legal status. Some organizations are able to legally register as NGOs and are required to follow a process seeking government approval for any grants from outside the country. Other organizations like EIPR have either applied for NGO status and been rejected, or have opted to create a parallel structure (such as a law firm or civil company), which makes accepting grants from outside the country even more legally complicated. Organizations that are not registered NGOs are also vulnerable to raids and accusations of operating illegally. Regardless of legal status, the government is incredibly slow to approve grants for NGOs.

All human rights organizations and civil society organizations could be considered vulnerable at this stage in Egypt. Groups are at low capacity—there is not a lot of experience and expertise in-country to help organizations effectively operate.

Flexibility from funders – to the extent possible – is key. Some donors only feel comfortable funding groups registered as NGOs. However, even registered NGOs do not receive much funding; it can take years for even part of the money to come through. It is therefore important that donors are sensitive and have conversations with organizations about risks and what to do if problems arise. When organizations continually have to adapt to a changing environment and only receive project funding (rather than core support), they are not in a position to adapt their programs and activities without running afoul with their donors.

In terms of sustainability, it is important to realize that although there is new money in the country and organizational budgets have increased, it is likely that this will change in coming years. Funders will lose interest, turn attention and resources to other crises, and become frustrated with the legal and political situation, which makes it difficult to deliver resources. Supporting a political transition is a long-term, maybe even generational, project. Look at ways for smaller funders to get active on the scene so there is a more diverse source of funding. Also it is important to recognize that political repression may get worse before it gets better. Think about how much long term support is possible and what we can do to mobilize other donors' interest as it's needed over the coming years. Emerging organizations and bigger, established organizations alike could use help developing security planning, building the necessary infrastructure, and develop the necessary skill set to be sustainable organizations over time.

Questions and Answers:

One participant asked why it is easier for the private, parallel structures such as law companies to receive funding from abroad. Regan replied that it is easier to receive the funding from abroad because they don't have to ask for permission from the government to receive the funds. Soha added that the only recent difficulty has been that because these private companies are registered as law firms but doing human rights work, banks have been diligent about incoming money, asking many questions. Also, some funding organizations in Egypt can only fund registered NGOs, thereby disqualifying these private companies.

Another participant asked for further examples of where building local capacity would be helpful in relation to building capacity in-country to deal with the organizational challenges and becoming sustainable organizations. Regan noted that there is a range of needs. It is especially important to consider security preparation, particularly when dealing with an unpredictable environment. Due to the lack of expertise in Egypt, it is important to find people who are interested in gaining that expertise as well those who have worked with NGOs in Egypt in the past and then share the information across the sector. Soha replied that traditionally, because of the security sector, civil society has only been able to operate in Cairo. Something as basic as trying to establish communication outside of Cairo is a new experience, and something that organizations need support with.

Bahey eldin Hassan, Board Member of the Euro-Mediterranean Foundation of Support to Human Rights Defenders commented that there was an update on the NGO law in Egypt this week, and that the new draft is worse than previous drafts that have been submitted. The new draft places more restrictions on foreign funding and does not allow funding for human rights organizations, only for charitable organizations.

Hanan Rabbani noted that five of her grantees, women's rights NGOs based in Egypt, were approved for funding from Open Society Foundations (OSF) as far back as March 2011. Yet, none of them have been able to receive approval from the Ministry of Solidarity and Social Affairs in order to receive these funds. One of the organizations went to the constitutional court twice to argue the case but the project was rejected by the Ministry. The Ministry provides no explanation for the lack of approval. To bring in flexibility, most of the organizations opted for establishing parallel structures – law firms, or in some cases a civil company – to avoid restrictions. Funds are then rechanneled through the private company. Even with that change, in the end one organization declined the funds because they were still concerned that the government would also restrict funding to the newly established civil entities.

A participant asked what the speakers' advice would be to the funders who have not yet engaged in Egypt, and want to engage in Egypt. What are the steps to take before making that decision? And what would be the best practices in terms of dealing with organizations and dealing with the situation? Regan replied that the place to start is always consultation. Look at those donors who have been able to support human rights activity in Egypt since the revolution and talk with them. Look at who they are supporting and how they have been able to support them and what remains to be done. Be prepared to

talk to organizations on the ground and see what they need. Donors can then assess whether they can be the responsive, flexible donor they need to be in such a complicated context. There is enormous potential in Egypt right now and there's never been such an important moment to support that potential. Look at ways to be creative in supporting organizations, and even supporting initiatives that might not look like organizations yet in terms of skills or supplies. Be prepared for the conversation to be more complicated than most grant forms indicate.

A final participant asked whether the increased sexual harassment in demonstrations suggested a regression in human rights and what the speakers' advice would be to those working on these issues? Soha responded that the constitution is lacking language on gender equality, and so would therefore highly discourage any support towards policy initiatives or support. The younger groups and movements who are pressuring the government to change are far more effective. Groups that work solely on amending legislation or policy working directly with government are not very effective.

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Additional Resources:

[Cairo Institute for Human Rights Press Release](#) on proposed new NGO law