

Fighting for the “Private Sphere” in Egypt
By Amanda Craig

Hossam Bahgat, director of the Egyptian Initiative for Personal Rights (EIPR), is “ready to launch all of the engines” of his organization, so that the next two years will witness increased output— more litigation, research and reports— and a message that is more accessible to Egyptian youth.

EIPR currently operates as an independent human rights organization and a law firm, but considers itself to be an NGO. After attempting to register as an NGO in 2002 and being denied that status by the Ministry of Social Affairs, EIPR appealed the ruling and is still waiting in limbo.

Although all organizations that conduct NGO activities must be in the process of registering or already registered as NGOs, actually obtaining the status is less than ideal. As a registered NGO, the law is more restrictive, allowing the government to control funding and shut down an NGO by administrative decree— without a court session.

Bahgat conceived of and proposed EIPR as an NGO with a unique mandate. Before 2002, through his work with existing NGOs and as a journalist, he perceived that the “community of human rights organizations was focused on public freedoms, or civic and political rights. The private sphere was ignored or neglected.”

To Bahgat, the private sphere consists of protecting bodily integrity, privacy and the liberty and security of a person. Bodily integrity refers to an individual’s health and safety; the right to privacy entails both religious freedom and freedom from interference in or persecution for consensual acts or relationships that do not harm others. Lastly, the liberty and security of a person suggests that no one should be threatened by arbitrary arrest and detention.

Bahgat has aimed to “spotlight violations”— by both individual and state actors— of these three spheres “because you can’t enjoy other rights if you don’t have access to things like sufficient privacy, adequate housing or good health care.”

Since 2002, one of EIPR’s most apparent successes involved exposing a clear violation of rights in all three spheres. In early 2004, the organization documented the arrest and torture of a group of Shi’a Muslims, and eventually brought the violations to the attention of the United Nations. As a result, all 11 Shi’a were released.

Current projects also reflect this focus on private freedoms. In the right to privacy sphere, “EIPR is now working on a report which addresses how the new anti-terror law will affect the right to privacy in Egypt, as there are no provisions on surveillance or physical searches,” Bahgat said.

In addition, EIPR is confronting religious discrimination, suggesting that religion is a private matter and that the state should not be interested in religious affiliation except

where required by law. "Freedom of religion is violated by denying access to birth certificates, national IDs and death certificates, which causes serious problems in essential aspects of people's lives, such as marriage, inheritance and the registration of children," Bahgat said.

According to EIPR, two constituencies suffer most when trying to obtain necessary official documents because of their religious affiliation: those who convert from Islam to Christianity and the Baha'i.

Article 47 of the Civil Affairs Law (no. 143/1994) explicitly grants citizens the right to change any of the data listed by the Interior Ministry's Civil Affairs Department (CAD), including their religious affiliation. But EIPR has documented almost 200 cases in which the CAD refuses to recognize a convert to Christianity, including Coptic citizens who were automatically converted to Islam in CAD files after one of their parents converted to Christianity while they were still minors.

Before 2004, Baha'i Egyptians had been able to obtain national IDs that recognized the Baha'i faith or listed no religious affiliation at all. Now the Baha'i suffer from the Interior Ministry's new policy which forces them to identify only as Muslim or Christian in exchange for identification documents.

EIPR has also recorded hundreds of cases where lack of identification documents has left Baha'i unable to send their children to school, or where Baha'i youth who reach the age of 16 and are still without an ID card are subject to legal penalties.

In August, EIPR expressed support for the proposal to remove religion from national ID cards as a symbolic gesture which posits religion in the private sphere, but Bahgat stressed that such a gesture would not in any way deal with the real issues at hand, which necessitate that the Interior Ministry respects freedom of religion.

Concerning bodily rights, EIPR is preparing to launch a report on HIV in Egypt. "The government does a good job in the realm of prevention, but not enough is done to care for those who are affected, to support them or to defend their rights. Because of the low prevalence of HIV in Egypt, and the societal stigma associated with it, it's so easy to overlook violations, or the lack of will on part of the government to respond," Bahgat said.

EIPR has been researching and collecting testimonies from individuals affected by HIV in Egypt and intends to have a report finished by December 1st of this year.

In the next two years, Bahgat said that he intends to have more projects of this nature—which requires hiring a larger staff and having increased financing. EIPR is currently sponsored by international development agencies, both abroad and in Egypt. But Bahgat lists finding a qualified Egyptian staff that is willing to champion new or controversial human rights issues as his biggest challenge.

Additionally, Bahgat seeks to increase EIPR's litigation to 40 percent in the next two years. Though the organization has acted as legal representation for Shi'a Muslims, Baha'i, homosexuals, religious converts and HIV victims since 2002, it currently devotes 70 percent of its resources to research and advocacy and 30 percent to litigation.

But Bahgat's focus for the future is to aim the message of human rights, including those of the private sphere, towards Egyptian youth. With a staff mostly in its 20s or 30s, EIPR itself represents a younger generation of leaders.

Because youth are more often ready to adopt progressive ideas and the majority of the Egyptian population is less than 30 years old, Bahgat said that he hopes that a more interactive website, an active blog, and public events or seminars will appeal to youth, promoting a dialogue which converges such issues as marriage, scarf-wearing, sexuality and religion, and leads to mutual respect for the private sphere in Egypt.