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EGYPTIAN GOVERNMENT MOVES TO DISSOLVE PROMINENT ARAB WOMEN'S ORGANIZATION

Court Challenge Set for October 31

"A New Assault on Freedom of Expression in Egypt"

The Arab Women's Solidarity Association (AWSA), headed by Dr. Nawal El-Saadawi, a well-known writer and leading figure in the Arab women's movement, has been ordered dissolved by the Egyptian authorities. AWSA will contest the dissolution order in legal proceedings scheduled to begin on October 31 before the State Council Court. This three-judge panel hears cases brought against the government that seek the reversal of administrative decisions or compensation for damages resulting from such decisions. Fourteen attorneys have volunteered to work on AWSA's challenge of the dissolution order.

The order to dissolve AWSA was issued pursuant to the 1964 law that governs private nongovernmental organizations in Egypt. This law gives broad powers to the Ministry of Social Affairs to legally register private organizations, control their activities and order their dissolution (see below). The law has long been criticized by Egyptian human rights advocates and lawyers as a major barrier to freedom of association. The independent Egyptian Organization for Human Rights condemned the government's move against AWSA as "a new assault on freedom of expression, which is already severely restricted in Egypt."

Middle East Watch sent a letter to Egyptian President Hosni Mubarak on August 30, protesting the decision to dissolve the organization. In addition, the Women's Rights Project, a division of Human Rights Watch, is distributing information about the case this month to women's rights organizations in the United States and abroad, in an effort to mount an international campaign of support for AWSA and the reinstatement of its legal status in Egypt.

AWSA's Activities and Status

The Arab Women's Solidarity Association, established in 1982, has been in the forefront of the controversial and difficult battle to promote equality between the sexes in the Arab world. The organization was founded by Dr. El-Saadawi, a physician, psychiatrist and author of novels, short stories and nonfiction. Her works, written in Arabic and widely translated, include *Women and Sex*(1971) and *The Hidden Face of Eve: Women in the Arab World*(1977).

AWSA's efforts have focused on the social, economic and cultural advancement of women, and

women's participation in political life. The organization's motto is: "Power of Women -- Solidarity -- Unveiling of the Mind." AWSA promotes links between Arab women's rights advocates and organizations and their counterparts throughout the world by organizing and participating in international conferences on women's issues and through exchange programs. The organization's first international conference was held in 1986, attended by 159 delegates from nine Arab countries to discuss the challenges facing Arab women in the coming decade. In May 1989, AWSA began publication of *Noum*, a quarterly magazine covering the political, socio-economic and cultural problems of women. AWSA has described the magazine as a consciousness-raising vehicle, intended to "stimulate thought against the offensive on the rights of women in the Arab world." On the local level, AWSA has hosted widely attended public seminars, and also has designed and implemented income-generating projects in rural Egypt for women who head households and for unemployed young women with little education.

AWSA operates as an international nongovernmental organization, recognized by the Egyptian Foreign Ministry, and as a private domestic organization governed by the rules of the Ministry of Social Affairs. The Egyptian branch of AWSA, located in Cairo, was legally registered with the Social Affairs Ministry in January 1985. AWSA was recognized as an international nongovernmental organization when the United Nations Economic and Social Council granted it consultative status in April 1985. AWSA receives funding from the United Nations and other international organizations for various program activities.

Law No. 32 of 1964: Broad Powers to the State

The order to dissolve AWSA is pursuant to Law No. 32 of 1964, the Law of Associations and Private Foundations. In one of its provisions, the law sweepingly states: "Every society formed that violates public order or morality, or for an illicit reason or objective, or whose purpose impairs the security of the Republic or the government's republican form, shall be null." The law empowers the administrative authorities to reject an organization's application to become legally registered with the government.¹ Organizations that have been denied legal status in Egypt include the Egyptian Organization for Human Rights and the Arab Thought Forum -- a prominent group headquartered in Amman, Jordan, and concerned with regional economic, social and cultural issues.

For organizations that have been legally registered, the law grants the Ministry of Social Affairs the power to appoint government representatives to their boards of directors and to call board meetings "whenever necessary" to discuss subjects specified by the Ministry. Organizations must inform the administrative authorities of the nominees to board posts at least 30 days before the election; the authorities may remove the names of any nominees they wish. The authorities also may cancel the election of a board of directors if they believe the election violated the law or the organization's own rules of procedure. The law specifically provides that organizations shall be subjected "to the supervision of the competent administrative authorities" and that this task is to be carried out by appointed inspectors. The Ministry of Social Affairs also may appoint a temporary board of directors, and a temporary director, for a period of up to three years, if it finds that an organization has committed violations.²

¹ The law cites the following as among the grounds for rejection of an organization's application for legal registration: that there is not a need for the organization's proposed services; that existing organizations perform similar activities; or that the proposed organization appears to revive a previously dissolved organization.

² The law states: "This measure shall be carried out after warning the organization to eliminate the causes of the

The law permits the Minister of Social Affairs to dissolve legally registered organizations on the following grounds: if it is proven that the organization is not capable of achieving the purposes for which it was formed; if the organization disposed of its funds in a manner inconsistent with its purposes; if the organization's general assembly was not convened in two successive years; or if the organization "committed a flagrant violation of the law or if it violated public order or morality." The law provides that members of an organization's board of directors held responsible for violations that led to the organization's dissolution are prohibited from serving on the boards of other organizations for a period of five years from the date of the dissolution order. The law also stipulates that an organization may appeal a dissolution order before the State Council Court.

The Egyptian Organization for Human Rights noted recently that the law has been used to dissolve organizations whose activities the authorities judge to be "political":

The dissolution of AWSA is not the only case of the Egyptian government's violation of the freedom of establishing associations. Nearly two years ago, a decision was issued dissolving an association called Friends of Arab Media Club, thereby stopping the publication of the weekly paper *Sawt al-Arab*, issued by the association, the pretext being that the association dealt in political matters.³

One Egyptian parliamentarian interviewed by Middle East Watch earlier this month described Law No. 32 as "absolutely obsolete. It provides for complete state control of private voluntary organizations. The groups are totally dependent financially on the Ministry of Social Affairs and have no freedom of initiative." Another knowledgeable source agreed, and commented to Middle East Watch: "The Ministry of Social Affairs creates lots of private voluntary organizations by handing over to them responsibility for day care, sewing courses or literacy courses, and a very small amount of funding. But these groups have no programmatic independence." The Egyptian Organization for Human Rights is challenging the constitutionality of Law No. 32, in legal proceedings initiated over a year ago.

The Dissolution Order Against AWSA

The order to dissolve AWSA was issued by the Deputy Governor of Cairo for the Western Region in an administrative decree dated June 15, 1991.⁴ AWSA was not informed of the decree until almost a month after the date of the dissolution order, when it received a letter with the order attached. The order provides no specific reasons or justifications for the decision. On this basis, AWSA's lawyers intend to challenge the decree as illegal on its face.

In accordance with provisions of the Law of Associations, the Deputy Governor's order appointed a

violation and the expiration of fifteen days from the date of the warning without eliminating it."

³EOHR, "The Dissolution of the Arab Women's Solidarity Association," July 30, 1991.

⁴ Decree No. 19 from the Governorate of Cairo, Office of the Deputy Governor for the Western Region, Concerning the Dissolution of the Arab Women's Solidarity Association, signed by General Abdel Raouf Abdel Rahman.

liquidator and specified that AWSA's assets be transferred to another organization, Women of Islam.⁵ Women of Islam, a Cairo-based organization registered with the Ministry of Social Affairs, provides housing and other services for female students from the provinces who are studying in Cairo. An Egyptian journalist told Middle East Watch that the group is "an ordinary association, similar to hundreds of other such organizations in Egypt that are in the social-welfare business," adding that associations of this type do not address women's rights issues. Another source familiar with women's groups in Egypt said that Women of Islam "has no public image -- it is not terribly active." She commented that the choice of a little-known group such as Women of Islam as the recipient of AWSA's assets may have been intended as "the ultimate insult" to AWSA.

AWSA representatives informed Middle East Watch that the director of Women of Islam is Mr. Farouq El-Fiel.⁶ Mr. El-Fiel, who also serves as the Director-General of Social Affairs in the Ma'adi district, a Cairo suburb, was appointed the legal liquidator of the Arab Women's Solidarity Association in the dissolution decree. The decree further grants Mr. El-Fiel ten percent of AWSA's assets as a liquidator's fee, and specifies that his tasks be completed within six months. Middle East Watch believes that the conflict-of-interest in Mr. El-Fiel's appointment as liquidator is apparent.

Following a press conference by AWSA and press coverage of the government's order, additional information about the Egyptian authorities' position emerged. Several days after an Egyptian newspaper columnist wrote a strong defense of AWSA and condemned the government's action against the organization as incompatible with democracy, AWSA representatives said that the Deputy Governor issued a public statement. He claimed that AWSA was being dissolved for financial and administrative reasons, implicitly deflecting criticism of the government's move as politically motivated.

The Deputy Governor alleged that there was only one Arab Women's Solidarity Association in existence -- namely, the domestic group registered with the Ministry of Social Affairs. He claimed that the international arm of AWSA was "a figment of the imagination." Therefore, he stated, AWSA improperly held two bank accounts: one for the Egyptian branch and the other for the international group. AWSA representatives told Middle East Watch that the bank account of the international organization had been opened with the knowledge of the Ministry of Foreign Affairs; that AWSA had held its international conferences with the express permission of the Foreign Ministry; and that AWSA had engaged in regular correspondence with the Foreign Ministry about its activities. AWSA's position is that the Ministry of Social Affairs has chosen to ignore these obvious facts, as well as the Ministry of Foreign Affairs' own admission that AWSA is one of the organizations in Egypt with international status.

In an August 1991 reply to a letter from Dr. El-Saadawi written after AWSA was notified of the dissolution order, the Foreign Ministry confirmed that AWSA has an international organization and that this entity is among the organizations in Egypt with status at the U.N. Economic and Social Council. The letter also pointed out that only the United Nations could revoke the organization's international status.

⁵ The law states that when a society is dissolved, the authority that issued the dissolution order shall appoint a liquidator, for a set period and fee.

⁶ Some women's organizations in Egypt are directed by men.

Ironically, AWSA received official authorization from the Ministry of Foreign Affairs on July 18 to hold an international conference in Cairo from November 24 to 27, 1991, on the subject of women and development. AWSA already had received a \$15,000 grant from the World Bank in support of the conference, which was planned to include participants from across the Arab world.

Impact of the Dissolution Order on AWSA's Activities

"We're almost closed," Dr. El-Saadawi told MEW in an interview on August 29. "The order to dissolve our Egyptian association prevents us from continuing our activities, because the Ministry of Social Affairs says that the international organization does not exist." Based on the Ministry's contention, "we cannot function on a pan-Arab level. Because of the dissolution order, it's illegal for us to continue the work of the Egyptian branch" until the appeal is heard by the court, a proceeding that only commences on October 31.

The Law of Associations states that the members, officials and employees of a society that is ordered dissolved "shall be prohibited from continuing its activity or disposing of its funds." One Egyptian lawyer interviewed by Middle East Watch in August predicted that the case could turn into a lengthy legal battle which would, in effect, suspend AWSA's activities for the duration of the proceedings. Another observer made a similar observation in an interview.

Dr. El-Saadawi also explained that the organization's two bank accounts -- one for AWSA's Egyptian branch, and the other for the international organization -- have been frozen by order of the authorities. The proposed liquidation of AWSA's assets apparently will include the funds in the international account, which AWSA points out were "donated by United Nations organizations" to carry out specific activities proposed by AWSA. Yet, Women of Islam -- which carries out work markedly different from AWSA's -- has been designated as the sole recipient of AWSA's assets.

A Pattern of Harassment

Nawal El-Saadawi's decision to form AWSA in 1982 was based on the two-fold goal of avoiding personal isolation as a writer and working for the advancement of Arab women: "I always felt that the pen was an effective weapon I could use against injustice and oppression. But writing is also a very private undertaking, which could lead to one's isolation and removal from the battles of life...Women pay dearly for their freedom and dignity to obey the laws of marriage and the patriarchal class system that dominates society. Women pay dearly in order to become free and escape domination."

Long before her decision to form an organization to champion women's rights, Dr. El-Saadawi suffered harassment by the Egyptian authorities because of her writings:

The first nonfiction book I wrote about women was titled *Women and Sex*, published in 1971, and confiscated by the Egyptian censorship. It was because of this book that I lost my job as general director at the Ministry of Health, and that the publication of the health journal of which I was editor in chief ceased.

During the Sadat regime, publication of my books was forbidden in Egypt; therefore, I started publishing my books in Beirut. I was blacklisted under the Sadat regime. I wrote articles that criticized his policies and uncovered his ambivalence. He preached democracy but practiced dictatorship...he threw me in prison because of what I wrote even though I never belonged to any political party. It was well known that I was a writer, independent from political parties, who expressed her opinions freely.

Although AWSA was established in 1982, the Egyptian authorities refused to register the organization until 1985. AWSA's efforts to secure official legal status in Egypt were hard-fought. "We were finally registered after a big campaign," Dr. El-Saadawi told MEW, "but then they put us under supervision." The Egyptian Organization for Human Rights has noted that AWSA "has since its establishment been exposed to numerous occasions of pressure and harassment from the Ministry of Social Affairs on the pretext that it was engaged in activities prohibited by the Law of Associations."

AWSA encountered additional obstacles when it launched a quarterly magazine, *Noun*, in 1989. The magazine was denied a license to publish and thus could not enjoy the potential benefits from public sales and advertising revenue. New newspapers and periodicals in Egypt must be approved by the government-controlled Higher Press Council.⁷ In March 1989, the Council denied AWSA's first request for a license to publish *Noun* on the grounds that the magazine needed to deposit funds in a national bank, a requirement that applies to daily and weekly publications in Egypt. AWSA lacked the financial resources to make the required deposit, and the magazine's first issue, published in May 1989, was only distributed to members of the organization, depriving it of a wider public audience and potential revenue. The second application for a license also was turned down. Without a license from the authorities, "we couldn't sell it...it functioned more like an internal bulletin than a magazine," Dr. El-Saadawi told MEW.

Last year, AWSA again faced harassment by the authorities. The organization hosted a conference in September 1990 in Cairo on Arab women and journalism. A wide range of issues were discussed by the 40 participants, including the crisis in the Gulf resulting from Iraq's invasion and occupation of Kuwait a month earlier. The conference voiced opposition to the Iraqi invasion and to foreign intervention in the region, advocating an approach based on diplomacy and negotiation, rather than military force and war. In November 1990, AWSA received a letter from the director-general of the Ministry of Social Affairs, reminding the organization that under the 1964 Law of Associations it was prohibited from discussing anything related to politics or religion.⁸ In interviews with Middle East Watch, AWSA representatives said that while the organization viewed this letter as "threatening," AWSA nonetheless began a campaign against the Law of Associations, arguing that it was antithetical to democracy.

Dissolution: An Extreme Measure

⁷ The Higher Press Council is controlled by President Hosni Mubarak's ruling National Democratic Party. See EOHR, "Freedom of Opinion and Expression in Egypt," June 1990.

⁸ During the Gulf war, the Egyptian authorities arrested and detained students and political activists who were involved in anti-war activities. See Middle East Watch, "Egyptian Authorities Clamp Down on Dissent," February 13, 1991.

AWSA representatives believe that the authorities' move to dissolve the organization is an unjustifiably harsh measure. Middle East Watch agrees. If the organization is suspected of administrative or financial irregularities, a thorough investigation should be opened and the Ministry of Social Affairs should bring its concerns to AWSA's board of directors. If the investigation reveals that violations of the provisions of the Law of Associations were committed, the law provides that the board of directors can be removed and replaced by a temporary board appointed by the administrative authorities. Instead, a decision appears to have been made to short-cut all public investigatory procedures and simply shut down the organization. Middle East Watch believes that this approach gives weight to the suspicion that the government's motives have a political dimension.

Human Rights Standards and Egyptian Constitutional Guarantees

In the absence of detailed reasons and persuasive supporting evidence for the administrative order to dissolve the Arab Women's Solidarity Association, Middle East Watch believes that the Egyptian authorities' move is an arbitrary abridgement of the right to freedom of association and freedom of expression. These rights are set forth in human rights instruments and in the Egyptian Constitution.

The International Covenant on Civil and Political Rights, which Egypt has ratified, states that everyone "shall have the right to freedom of association with others" (Article 22) and that everyone "shall have the right to hold opinions without interference" (Article 19). With regard to freedom of association, Article 22 further states in part:

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Middle East Watch calls on the Egyptian authorities to demonstrate that AWSA's dissolution meets the tests established in Article 22.

The Egyptian Constitution also provides for freedom of expression and association. Article 47 states: "Freedom of opinion is guaranteed. Every individual has the right to express his opinion and to publicise it verbally or in writing or by photography or by other means within the limits of the law. Self-criticism and constructive criticism is the guarantee for the safety of the national structure." Article 55 grants citizens "the right to form societies as defined in the law." It prohibits societies "whose activities are hostile to the social system, clandestine or have a military character." Middle East Watch believes that the burden is on the Egyptian authorities to produce compelling evidence that AWSA's activities fall within the categories proscribed by the Constitution. We share the concern articulated by the Egyptian Organization for Human Rights in its statement of July 30:

[T]he Egyptian government, rather than respond to the demands of public opinion for more public liberties, and particularly for the freedom to form non-governmental organizations, and rather than respect its international commitments to maintain basic standards of human rights and civil liberties, this government continues to adopt the course of increasingly tightening the constraints on basic rights and liberties in Egypt.

The International Covenant on Civil and Political Rights also provides that States Parties "undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights" set forth in the Covenant (Article 3). Article 26 provides additional protection against discrimination on the basis of sex:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In the context of the standards established by Articles 3 and 26, it is impossible to ignore the irony of the Egyptian government's move to dissolve AWSA and thereby stifle the voice an organization committed to promoting women's equality and eliminating gender-based discrimination, goals to which Egypt also has committed itself by ratification of the Covenant.

Middle East Watch believes that the women and men affiliated with AWSA should be afforded human-rights protection by the Egyptian government to fully exercise individual and collective freedom of expression, and freedom of association to continue to carry out activities related to their activities. The protection of these basic freedoms is crucial at times when internal or external political or religious forces may press the authorities for the curtailment or termination of the activities of legally established organizations with which they do not agree.

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Politely worded letters or telegrams requesting a reversal of the order to dissolve the Arab Women's Solidarity Association should be sent to:

**The Honorable Hosni Mubarak
President of the Arab Republic of Egypt
Office of the President
al-Etehadia Building
Heliopolis
Cairo, Arab Republic of Egypt**

**Secretary of State James Baker
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520**

**Ambassador El-Sayed Abdel Raouf El-Reedy
Embassy of the Arab Republic of Egypt
2310 Decatur Place, N.W.
Washington, D.C. 20008**

NOTE: If you write a letter of appeal on behalf of a women's rights organization, please send a copy to Dorothy Thomas, Director, Women's Rights Project, Human Rights Watch, 1522 K Street, N.W., Washington, D.C. 20005. Thank you.

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This newsletter was written by Virginia N. Sherry, associate director of Middle East Watch.

Middle East Watch was created in 1989 to monitor human rights practices in the Middle East and North Africa and to promote respect for internationally recognized standards. The chairman of Middle East Watch is Gary Sick, the vice chairs are Lisa Anderson and Bruce Rabb, the executive director is Andrew Whitley, the research director is Eric Goldstein, the senior researcher is Aziz Abu Hamad, and the associate is Christina Derry.

Middle East Watch is component of Human Rights Watch, a non-governmental organization which is also composed of Africa Watch, Americas Watch, Asia Watch, and Helsinki Watch. The chairman of Human Rights Watch is Robert L. Bernstein, the vice chairman is Adrian W. DeWind, the executive director is Aryeh Neier, the deputy director is Kenneth Roth, the Washington director is Holly J. Burkhalter, and the press director is Susan Osnos.